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T 980281

EIA991

PAGE 01

NC 49712

TORI291853Z APR 75

Geneva

Comm. III ✓

Kenya ✓

128

R 291320Z APR 75
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC 2579
INFO RUEHDT/USMISSION USUN NEW YORK 484
RUFHQV/USMISSION GENEVA 309
RUDTC/AMEMBASSY LONDON 1992
RUEHCR/AMCONSUL MONTREAL 046
RUFNPS/AMEMBASSY PARIS 2585
RUFHRO/AMEMBASSY ROME 380
RUFHAU/AMEMBASSY VIENNA 071
BT

UNCLAS NAIROBI 3441
GENEVA FOR LOS DEL
VIENNA FOR IAEA AND UNIDO
PARIS FOR UNESCO
ROME FOR FODAG
MONREAL FOR ICAO
E.O. 11652: N/A
TAGS: UNEP, SENV, PLOS
SUBJ: UNEP: CG/III, LOS DECISION
REF: NAIROBI 3389

FOLLOWING IS FULL TEXT SUBJECT DECISION ADOPTED BY
CONSENSUS BY UNEP GC/III, APRIL 24:
QUOTE (BEGIN UNDERSCORE) THE GOVERNING COUNCIL, (END
UNDERSCORE)
(BEGIN UNDERSCORE) RECALLING (END UNDERSCORE) GENERAL
ASSEMBLY RESOLUTION 3133 (XXVIII) ON THE PROTECTION OF
THE MARINE ENVIRONMENT,
(BEGIN UNDERSCORE) BEARING IN MIND (END UNDERSCORE) ITS
DECISION 8 (II) OF 22 MARCH 1974, IN WHICH IT URGED THE
THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA
TO ATTACH IMPORTANCE TO ITS WORK RELATING TO THE PRESERV-
TION OF THE MARINE ENVIRONMENT, AND THE SUBSEQUENT STATE-
MENT MADE BY THE EXECUTIVE DIRECTOR ON BEHALF OF THE
UNITED NATIONS ENVIRONMENT PROGRAMME TO THE LAW OF THE
SEA CONFERENCE AT ITS LAST SESSION AT CARACAS, VENEZUELA,
(BEGIN UNDERSCORE) DEEPLY CONCERNED (END UNDERSCORE) THAT
THE DEVELOPMENT OF OCEAN RESOURCES, INCLUDING THE SEA
BED, NOT BE ACCOMPANIED BY DEGRADATION OF THE MARINE EN-
VIRONMENT, ITS LIFE-SUPPORTING SYSTEMS AND ITS

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NC 49712

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RESOURCES,
(BEGIN UNDERSCORE) CONVINCED (END UNDERSCORE) THAT DRAFT TREATY
ARTICLES FOR THE PROTECTION OF THE MARINE ENVIRONMENT SHOULD BE
PRODUCED BEFORE THE END OF THE CURRENT SESSION OF THE LAW
OF THE SEA CONFERENCE IN GENEVA,
1. (BEGIN UNDERSCORE) URGES (END UNDERSCORE) THE LAW OF
THE SEA CONFERENCE TO ATTACH THE HIGHEST PRIORITY TO
ITS EFFORTS TO INCORPORATE IN THE DRAFT TREATIES
UNDER ITS CONSIDERATION EFFECTIVE PROVISIONS FOR THE
PROTECTION OF THE MARINE ENVIRONMENT,
2. (BEGIN UNDERSCORE) DIRECTOS (END UNDERSCORE) THE
PRESIDENT, ON BEHALF OF THE GOVERNING COUNCIL, TO COM-
MUNICATE THE TEXT OF THIS DECISION IMMEDIATELY TO THE
PRESIDENT OF THE LAW OF THE SEA CONFERENCE AT GENEVA,
UNQUOTE. LINDSTROM

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NC 67219

TUR 200607Z MAY 75

Geneva

Comm. II

Indonesia

Fiji

~~Philippines~~

Philippines

Mauritius

R 200515Z MAY 75

FM AMEMBASSY JAKARTA

TO RUEHC/SECSTATE WASHDC 8238

INFO RUMTBK/AMEMBASSY BANGKOK 5105

RUMJMA/AMEMBASSY MANILA 5020

RUMJKL/AMEMBASSY KUALA LUMPUR 3428

RUKOSP/AMEMBASSY SINGAPORE 3337

RUEHDT/USMISSION USUN NEW YORK 906

BT

C O N F I D E N T I A L JAKARTA 6054

FOR AMBASSADOR MOORE FROM AMBASSADOR NEWSOM

E.O. 11652: GDS

TAGS: PLOS, ID

SUBJECT: US-INDONESIAN LOS CONSULTATIONS IN POST GENEVA PERIOD

REF: STATE 110126

1. APPRECIATE SUMMARY OF DELEGATION REPORT ON GENEVA
LOS SESSION CONTAINED REFTEL, AND PARTICULARLY POSITIVE
AND NEGATIVE SCENARIOS INVOLVING INDONESIA FOR COMMITTEE
II AT NEXT SESSION.

2. ONLY SUBSTANTIVE PUBLIC COMMENT FOLLOWING SESSION
WAS MADE BY MOCHTAR AFTER MEETING WITH PRESIDENT
MAY 19. MOCHTAR NOTED SESSION DID NOT PRODUCE NEW
CONVENTION BUT THAT DRAFT UNIFIED TEXT IS A "POSITIVE
RESULT". MOCHTAR SAID TWO DEVELOPMENTS OF BENEFIT TO
INDONESIA WERE A) CONFERENCE DISCUSSED IN DETAIL
INDONESIA'S ARCHIPELAGIC CONCEPT, WHILE INDONESIA, FIJI,
PHILIPPINES AND MAURITIUS MAINTAINED COMMON ATTITUDE;
AND B) ASEAN NATIONS MAINTAINED POLICY OF ONE ATTITUDE
DURING CONFERENCE, MOCHTAR ADDED THAT MALAYSIA AND
INDONESIA HAVE AGREED THAT COMMUNICATION BETWEEN EAST AND
WEST MALAYSIA NOT AFFECTED BY ARCHIPELAGO CONCEPT.

3. ACTION REQUESTED: AS TIME PERMITS WOULD APPRECIATE
FULLER REPORT ON STATE OF PLAY OF US-INDONESIAN BILATERAL
DISCUSSIONS AT GENEVA AND YOUR THOUGHTS AS TO HOW WE SHOULD
SEEK TO MOVE TOWARD SUCCESSFUL CONCLUSION OF BILATERAL NEGOTIA-
TIONS ON ARCHIPELAGO/TRANSIT QUESTIONS. WE HAVE REQUESTED
MEETING WITH MOCHTAR FOR ASSISTANT SECRETARY HABIB DURING
HIS MAY 25-28 VISIT AND SUBJECT MIGHT ARISE THEN. NEWSOM

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Geneva

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FM SECSTATE WASHDC

TO AMEMBASSY YAOUNDE NIACT IMMEDIATE 4380

BT

C O N F I D E N T I A L STATE 115674

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS; ENGO PARTICIPATION IN INTERSESSIONAL WORK

REF: A. GENEVA 3410; YAOUNDE 1613

1. REFTEL B DESCRIBES LIKELIHOOD THAT APPROACH ALONG LINES DESCRIBED IN REFTEL A COULD BE MADE AT LUNCHEON TO GURC PRESIDENT AHIDJO. DEPARTMENT BELIEVES SUCH AN APPROACH COULD BE USEFUL AND REQUESTS IT BE MADE.

2. FOLLOWING POINTS SHOULD BE MADE:

A. UN LOS CONFERENCE IS OF MAJOR IMPORTANCE TO ALL NATIONS CONCERNED WITH USES OF THE SEAS. CONFERENCE HAS NOW ENTERED CRITICAL PHASE. AMONG THE MOST SIGNIFICANT NEGOTIATIONS IN CONFERENCE ARE THOSE CONCERNING THE DEEP SEABED AND PAUL ENGO PLAYED IMPORTANT ROLE IN THESE NEGOTIATIONS.

B. IT IS IMPORTANT THAT, IF THESE NEGOTIATIONS ARE TO BE SUCCESSFUL, THERE BE INTERSESSIONAL WORK BEFORE LOS CONFERENCE RECONVENES IN MARCH 1976. WITHOUT SUPPORT FOR ENGO IN THIS ENDEAVOR FROM GURC, INTERSESSIONAL WORK MAY WELL NOT TAKE PLACE.

KISSINGER

Comm. I

Cameroon

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DEPARTMENT OF STATE

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AIRGRAM

OGCR/GD/X
756080-
6/1068

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HANDLING A-43	CLASSIFICATION UNCLASSIFIED	MESSAGE REFERENCE NO.
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TO: Department of State
INFO: Amembassy OTTAWA

Geneva

Comm. II & III
Canada ✓

FROM: Amconsul HALIFAX

DATE: May 7/75

E.O. 11652: N/A

TAGS: EFIS, Ca

SUBJECT: Annual Meeting of Fisheries Council of Canada - Halifax, 1975

REF: *Comm* State 063754; Halifax 142; Halifax A-41; Halifax A-42; Halifax OMs of 4/2/75 and 4/21/75

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<i>OKS/SC/1</i>		<i>OKS/SC/1</i>	
AGR 5	AID 5	AIR	ARMY
CIA 16	COM	DOD 17	DOT
FRB 3	HEW	INT 7	LAB
NAVY 5	NSA 3	NSC	OPIC 5
STR 4	TAR 2	TRSY	USIA 7
XMB			

Vice-Admiral Douglas Boyle, Commander, Maritime Command, Canadian Forces, at the General Session on "After the Law of the Sea Conference", spoke on the "Role of the Canadian Forces in Fisheries Surveillance and Management". Copies of the note cards comprising his speech are enclosed for appropriate distribution by Department. The speech was accompanied with slides. If called upon to do so this office will endeavor to obtain the slides.

MANBEY

[Signature]

Enc.: Note cards - 3 copies to Department
- 2 copies to Embassy

reproduce 47. and

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CLASSIFICATION

DRAFTED BY: CJ Pavlovski: Consul

DRAFTING DATE: 5/7/75

PHONE NO.

CONTENTS AND CLASSIFICATION APPROVED BY: DJ Manbey: Consul General

CLEARANCES:

1975 MAY 12 AM 10 02

FISHERIES COUNCIL

Role of Fisheries Forces
in Fisheries Surveillance
and Management by
VADM F.M.O. Boyle

Halifax A.43

6 MAY 1975

CHAIRMAN

MR. PRESIDENT - LADIES - GENTLEMEN, AT THE OUTSET LET ME SAY WHAT

A PLEASURE IT IS FOR ME TO HAVE BEEN INVITED TO MAKE THIS PRESENTATION ON THE CONTRIBUTION WE IN MARITIME COMMAND, THROUGH OUR SURVEILLANCE, MAKE TO YOUR INDUSTRY. *I mention to add not to what we do as one Canadian Govt. with ment meeting with another Canadian Govt. Department - the Dept. of Environment (fisheries)*

THE CANADIAN GOVERNMENT WHITE PAPER, DEFENCE IN THE 70'S, SETS OUT

NATIONAL AIMS AS:-

- SLIDE { 1. THAT CANADA WILL CONTINUE SECURE AS AN INDEPENDENT POLITICAL ENTITY,
- { 2. THAT CANADA AND ALL CANADIANS WILL ENJOY PROSPERITY IN THE WIDEST POSSIBLE SENSE,
- { 3. THAT ALL CANADIANS WILL SEE IN THE LIFE THEY HAVE AND THE CONTRIBUTION THEY MAKE TO HUMANITY SOMETHING WORTHWHILE

- 2 -

(PRESERVING IN IDENTITY AND PURPOSE.

TO ACHIEVE THE AIMS NATIONAL POLICY IS MORE SPECIFICALLY DEFINED AS SEEKING TO:-

- SLIDE { 1. FOSTER ECONOMIC GROWTH
- { 2. SAFEGUARD SOVEREIGNTY AND INDEPENDENCE
- { 3. WORK FOR PEACE AND SECURITY
- { 4. PROMOTE SOCIAL JUSTICE
- { 5. ENHANCE THE QUALITY OF LIFE
- { 6. ENSURE A HARMONIOUS NATURAL ENVIRONMENT.

THE FIRST CONCERN OF DEFENCE POLICY IS THE NATIONAL AIM OF ENSURING THAT CANADA SHOULD CONTINUE SECURE AS AN INDEPENDENT POLITICAL ENTITY AND, IF WE EXAMINE THE THEMES FLOWING FROM THE THREE NATIONAL AIMS, ^{WE} ONE CAN ENVISAGE A MAJOR ROLE IN SAFEGUARDING CANADIAN SOVEREIGNTY AND INDEPENDENCE.

HALIFAX A-43
ALSO, IMPLICIT IN THE AIMS AND THEMES ³ IS THE NEED OF NATIONAL DEVELOPMENT AND ^{Pg 2}
THE DEPARTMENT OF NATIONAL DEFENCE HAS A MAJOR ROLE TO PLAY. IN THAT AREA.

IN FACT, TO SUPPORT THE NATIONAL POLICY, THE DEFENCE DEPARTMENT HAS ESTABLISHED PRIORITIES FOR DEFENCE WHICH ARE RESPONSIVE TO NATIONAL INTERESTS AND INTERNATIONAL DEVELOPMENTS. THE FOUR MAJOR AREAS OF ACTIVITY FOR THE CANADIAN FORCES ARE:-

- SLIDE
- A. THE SURVEILLANCE OF OUR OWN TERRITORY AND COAST LINES, I.E. THE PROTECTION OF OUR SOVEREIGNTY,
 - B. THE DEFENCE OF NORTH AMERICA IN CO-OPERATION WITH US FORCES,
 - C. THE FULFILMENT OF SUCH NATO COMMITMENTS AS MAY BE AGREED UPON; AND
 - D. THE PERFORMANCE OF SUCH INTERNATIONAL PEACEKEEPING ROLES AS WE MAY FROM TIME TO TIME ASSUME.

There is a fifth activity - Support Canadian Development.

- 4 -

IN THE ATLANTIC REGION

ALTHOUGH MAINTAINED PRIMARILY FOR PURPOSES OF SOVEREIGNTY AND SECURITY, THE DEPARTMENT OF NATIONAL DEFENCE PROVIDES AN IMPORTANT RESERVOIR OF SKILLS, CAPABILITIES, AND EQUIPMENT. *OFTEN USED DIRECTLY IN THE IN SEARCH AND RESCUE. LAST YEAR OF EQUIPMENT PERSONNEL WERE INVOLVED IN 1674*

BEGAN AND RESCUE MILLIONS WHICH SAVED 126 LIVES
TO FULFILL MY MAIN RESPONSIBILITIES UNDER THE DEFENCE PRIORITIES, I AM RESPONSIBLE FOR THE SURVEILLANCE OF THE THREE OCEAN AREAS WHICH

SLIDE
along the coast of Canada in the Atlantic and Pacific. 3000 incidents. 3600000 sq miles. 1000000 sq miles. 1000000 sq miles. 1000000 sq miles.
BORDER CANADA - THE ATLANTIC - THE ARCTIC AND THE PACIFIC. IN CARRYING OUT SURVEILLANCE OF THE 4,700,000 SQUARE MILES CONTAINED WITHIN THE AREAS SHOWN UNDER THE FIRST PRIORITY, ALTHOUGH INDIVISIBLE FROM THE SECOND AND THIRD, THE AIR AND SHIP FORCES I COMMAND DETERMINE WHAT IS GOING ON IN THAT HUGE AREA, LOOK FOR THE ABNORMAL OR UNEXPECTED, DETERMINE THE EFFECTS ON ECOLOGY ON THE AREA, (DAMAGE OR POLLUTION), AND ENSURE THAT THE AREA IS ONLY

several of the incidents concern submarines

BEING USED FOR LEGITIMATE PURPOSES. BASED ON KNOWLEDGE GAINED THROUGH SURVEILLANCE OUR EQUIPMENT AND SKILLS COULD BE USED TO POLICE OR CONTROL VIOLATIONS DETECTED.

I HAD BEEN ASKED TO SPEAK ON SURVEILLANCE "AFTER THE LAW OF THE SEA CONFERENCE". I HAVE, OF COURSE, BEEN SPEAKING ON CANADIAN DEFENCE POLICY AND THE REASONS FOR IT FORMULATED DURING 1970/71 AND PUBLISHED IN THE WHITE PAPER IN AUGUST 1971.

FOUR FIFTHS OF THE GLOBE IN WHICH WE LIVE IS COVERED BY WATER. IT HAS BEEN SAID THAT HE WHO COMMANDS THE SEAS COMMANDS THE WORLD. AS A MARITIME COMMANDER, I LIKE THAT ASSESSMENT FOR IT SHOULD CERTAINLY BRING MARITIME FORCES INTO PROMINENCE. THERE IS NO DOUBT THAT NO NATION TODAY, TAKING ACCOUNT OF MODERN TECHNOLOGY AND COSTS CAN COMMAND THE SEA ALONE

AND CERTAINLY WE IN CANADA CANNOT. HOWEVER, WE ARE A TRADING NATION AND OUR GOODS TRAVEL THE SEA LINES OF COMMUNICATION AND ON ALL THREE COASTS WE HAVE BEEN BLESSED BY AN EXTENSIVE CONTINENTAL SHELF AND THE RESOURCE WHICH IS FOUND ^{IN AND} OVER THAT SHELF. ONE SHOULD CERTAINLY CONCLUDE THAT WE MUST HAVE AN INTEREST IN THE SEAS OFF OUR COASTS FOR COMMERCIAL AND DEFENCE REASONS. EVERY COUNTRY CLAIMS SIMILAR INTERESTS OFF THEIR COASTS BUT AS THE SEA HAS BEEN THE TRADITIONAL FREE HIGHWAY OBTAINING AGREEMENT ON HOW AREAS TRADITIONALLY ACCEPTED AS FREE WILL BE GOVERNED AND CONTROLLED ^{IT DOES BY DIFFICULTY} I CAN CERTAINLY UNDERSTAND THE DIFFICULTY OF OBTAINING AGREEMENT AND WHY, THEREFORE THE LAW OF THE SEA CONFERENCE HAS HAD SUCH DIFFICULTIES. ^{IN THE LAST 100 YEARS}

ALTHOUGH THE LAW OF THE SEA AND THE FINAL OUTCOME WILL HAVE EFFECTS, I HOPE THAT WHAT I HAVE SAID WILL HAVE SHOWN YOU THAT WE HAVE HAD A POLICY

- 7 -

Halifax A 43 Pg 4

SINCE 1971 WHICH IS READILY ADAPTABLE TO WHATEVER THE FINAL LAW IS. WE ARE ALREADY SURVEILLING AND CONTROLLING. THE EMPHASIS MAY CHANGE BUT NOT THE DUTY.

SLIDE THIS SLIDE GIVES YOU AN ILLUSTRATION OF THE ACTIVITY OFF THE ATLANTIC COAST OF CANADA. THE FIGURES IN THE FISHING BANKS ARE HIGHS AND LOWS FOR THE YEAR BUT AT ANY TIME WE HAVE ^{BETWEEN 400 AND 1000} ABOUT 800 TRAWLERS ACTIVE OFF THE ^{AS SHOWN IN THIS SLIDE.} CANADIAN COAST. THERE ARE IN ADDITION. ALWAYS ABOUT 300 MERCHANTMEN. LABAR 5 TIMES KEEPING TRACK OF ALL OF THIS ACTIVITY AND DOING SOMETHING ABOUT VIOLATIONS IS A TREMENDOUS TASK AND ONE REQUIRING A VERY SOPHISTICATED CAPABILITY. I AM PROUD TO BE THE LEADER OF THE ORGANIZATION HERE IN HALIFAX THAT TOGETHER WITH OUR ALLIES HAS THAT CAPABILITY.

YOU ARE ALL AWARE THAT OUR SHIPS ARE NOW REGISTERED WITH ICNAF SO THAT THEY MAY CARRY FISHERY INSPECTORS. IT SEEMED TO MAKE SENSE THAT WE

- 8 -

CARRY OUT SUCH ADDITIONAL TASKING AS WE GO ABOUT OUR OTHER TASKS OF GENERAL SURVEILLANCE AND TRAINING. THE VERY FACT THAT WE ARE NOW OFFICIALLY RECOGNIZED IS IN ITSELF A TREMENDOUS DETERRENT AGAINST DISREGARD OF REGULATIONS. OUR AIRCRAFT CARRYING OUT SURVEILLANCE, OBSERVING ANY SUSPICIOUS ACTIVITY IN THE FISHERY AREA SOON CAUSES A VAST ORGANIZATION TO ACT OR THE AIRCRAFT WORKING WITH THE SHIP EXTENDS ITS CAPABILITY FOR SEARCH AND FIND. AGAIN I EMPHASIZE SUCH POLICY HAS EXISTED OFFICIALLY SINCE 1971 AND THE ^{IT WILL} LAW OF THE SEA IS UNLIKELY TO CHANGE THE POLICY, PERHAPS TO CHANGE THE EMPHASIS.

SLIDE THIS SLIDE SHOWS YOU THE AIR AND SEA SURVEILLANCE OFF OUR EAST COAST IN THE LAST 12 MONTHS WITH SOME OF THE ACTIVITY IDENTIFIED AS FISHERY SURVEILLANCE AS A FIRST PRIORITY. I WANT TO EMPHASIZE, HOWEVER, THAT ALL OF OUR ACTIVITY IS MULTIPLE TASKED, SURVEILLANCE, TRAINING, FISHERY

9
 INSPECTION, POLLUTION OBSERVATION AND CONTROL WHEN NEEDED. DIRECTLY AND
 INDIRECTLY TO THE WELL BEING OF THE ENVIRONMENT YOURSELF TO
 WE HOPE TO CONTINUE THESE ACTIVITIES IN SUPPORT OF OUR INDUSTRY
 AND CANADA, AND I HOPE THAT ALL CAN APPRECIATE
 THAT ALL THAT WE DO IS IN SUPPORT OF
 VERY REAL CANADIAN AIMS AND POLICY AND,
 SURELY, IF IT IS GOOD FOR CANADA, IT MUST BE
 GOOD FOR ALL NATIONS, AND IT IS VERY IMPORTANT
 THAT ALL CANADIANS SUPPORT THE ORGANIZATION NECESSARY
 TO FULFILL THE COMMITMENT.

- Job to be done for many reasons
- Pressure to increase ^{pressure} (people law abiding)
- Increasing job - Multi Tasking
- ^{Transport} Bigger Bang for the Buck

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Geneva

R 100836Z MAY 75

FM USMISSION GENEVA

TO RUEHC/SECSTATE WASHDC 2800

INFO RUEHDT/USMISSION USUN NEWYORK 1679

RUEHIA/USIS WASHDC 1494

BT

C O N F I D E N T I A L SECTION 1 OF 4 GENEVA 3400

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: SUMMARY OF CLASSIFIED DELEGATION REPORT
FROM USDEL LOS

DEPT PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION GENEVA,
USDEL MTN GENEVA, USDEL SALT II GENEVA

1. SUMMARY OF DELEGATION REPORT:

THIS REPORT SUMMARIZES THE CLASSIFIED SECTION OF THE DELEGATION
REPORT ON THE GENEVA SESSION OF THE LAW OF THE SEA CONFERENCE. A
FULL REPORT AS WELL AS THE UNCLASSIFIED REPORT AND RELEVANT TEXTS
WILL BE AIRPOUCHED. THIS REPORT ALSO CONTAINS A SECTION ON
NEGOTIATING TRENDS AND GROUP POLITICS AT THE CONFERENCE. IT
SUPPLEMENTS AND GENERALLY DOES NOT REPEAT MATERIAL IN THE UNCLASS-
IFIED REPORT.

2. EVALUATION OF THE SESSION:

AS NOTED IN THE UNCLASSIFIED REPORT, THE SINGLE TEXT DOES NOT IN
ANY FORMAL SENSE REPRESENT A NEGOTIATED OR CONSENSUS TEXT BUT IS
INTENDED TO SERVE AS TAKE-OFF POINT FOR FUTURE NEGOTIATIONS.
HOWEVER, TO THE CONSIDERABLE EXTENT THAT THE TEXT REFLECTS THE
WORK OF THE EVENSEN GROUP ON THE ECONOMIC ZONE, THE UK-FIJI TEXT
ON STRAITS AND CONSULTATIONS ON ARCHIPELAGOES, IT IS IN SUBSTANCE
A TEXT RESULTING FROM NEGOTIATIONS BY STATES. WE HAVE NOT AS YET
ANALYZED THE SUBSTANCE OF THE SINGLE TEXT AND THAT REPORT WILL
BE FORTHCOMING LATER. IN ONE SENSE, IT DOES MEASURE THE TEMPER-
ATURE OF THE CONFERENCE IN DIFFERENT COMMITTEES IN THAT THE COMM-
ITTEE I TEXT ON BASIC CONDITIONS OF EXPLOITATION REPRESENTS A
RETREAT TO IDEOLOGICAL CONCEPTS ON THE SYSTEM OF EXPLOITATION TO
BE USED IN THE DEEP SEABED, WHILE THE COMMITTEE II TEXT DOES IN-
CORPORATE A USEFUL PORTION OF THE WORK THAT WAS DONE ON THE
ECONOMIC ZONE IN THE EVENSEN AND OTHER GROUPS. HOWEVER, NON-
RESOURCE ISSUES IN COMMITTEE II ARE NOT LIKELY TO BE FINALLY
RESOLVED WITHOUT PROGRESS ON THE DEEP SEABED NEGOTIATION. CON-
VERSELY, THE DEVELOPING COUNTRIES HAVE ALSO INDICATED THAT A

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Comm. I, II, & III

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SATISFACTORY RESOLUTION OF ECONOMIC ISSUES IN COMMITTEE II MIGHT HELP AMELIORATE THEIR RIGID POSITIONS IN COMMITTEE I. THE CONFERENCE IS CLEARLY AT THE TURNING POINT AND IT IS NOT NOW POSSIBLE TO PREDICT WHETHER AT THE NEXT SESSION THE NEGOTIATIONS WILL GO FORWARD OR WHETHER THE CONFERENCE WILL BOG DOWN ON A NUMBER OF POSSIBLE BREAKING POINTS. THE KEY QUESTION WILL BE WHETHER OR NOT GOVERNMENTS DECIDE THAT A TREATY IS SUFFICIENTLY IN THEIR INTEREST TO MAKE THE CONCESSIONS THAT CLEARLY MUST BE MADE TO DEAL WITH REALITIES. SOME OF THE FACTORS THAT WILL AFFECT THE DIRECTION OF NEGOTIATIONS AT THE NEXT SESSION INCLUDE:

A) EFFORTS TO MAINTAIN GROUP OF 77 UNITY: PARTICULARLY IN COMMITTEE I EARLY INDICATIONS OF POSSIBLE MOVEMENT TOWARD ACCOMMODATING THE INTERESTS OF DEVELOPED STATES WERE SQUELCHED BY SUCCESSFUL EFFORTS BY SOME EXTREMISTS (ALGERIA AND TANZANIA) TO PLAY UPON UNCERTAINTIES OF SOME DEVELOPING STATES AND THEIR FEAR THAT, IF DIVIDED, THEIR INTERESTS WOULD BE IGNORED BY DEVELOPING STATES. THEY HAVE ALSO BEEN ABLE TO HOLD THE GROUP OF 77 TOGETHER BY POINTING TO THE DEEP DIVISION BETWEEN THE U.S. (AND OTHER WESTERN DEVELOPED COUNTRIES) AND THE SOVIET UNION ON FUNDAMENTAL EXPLOITATION ISSUES.

B) TERRITORIALIZATION OF THE ECONOMIC ZONE: SUBSTANTIAL EFFORTS HAVE BEEN MADE BY COASTAL STATES BOTH IN THE EVENSEN GROUP AND WITHIN THE GROUP OF 77 TO INSURE MAXIMUM COASTAL STATE JURISDICTION IN THE ZONE. THIS EFFORT IS ABETTED BY A NUMBER OF LATIN STATES WHO CLAIM OR WOULD LIKE TO CLAIM 200-MILE TERRITORIAL SEAS. IT IS ALSO AIDED BY AN IDEOLOGICAL PERCEPTION OF THE ZONE ON THE PART OF MANY DEVELOPING STATES AS A NECESSARY EXTENSION OF STATE SOVEREIGNTY ALBEIT WITH EXCEPTIONS SUCH AS NAVIGATIONAL RIGHTS. THESE STATES OPPOSE THE KIND OF BALANCE OF RIGHTS AND DUTIES THAT WOULD INITIALLY LIMIT COASTAL STATE RIGHTS. THIS PERCEPTION OF COASTAL STATE RIGHTS ALSO AFFECTS THE NEGOTIATION OF EXCEPTIONS FOR TUNA, THE ISSUES OF MARINE POLLUTION AND SCIENTIFIC RESEARCH, AND THE IMPORTANT QUESTION OF WHETHER THE WATERS WITHIN THE ZONE REMAIN HIGH SEAS.

C) LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, SOME 48 STRONG, HAVE EFFECTIVELY OPERATED AS A BLOC TO INSIST ON THEIR DEMAND OF RIGHTS OF TRANSIT TO THE SEA THROUGH NEIGHBORING STATES AND THE RIGHT TO PARTICIPATE ON EQUAL BASIS IN FISHERIES RESOURCES OF COASTAL STATES. THEY HAVE ALSO DEMANDED PARTICIPATION IN MINERAL RESOURCES IN THE ECONOMIC ZONE BUT THIS IS PRESUMED TO

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BE A TACTICAL MANEUVER ONLY. THE GROUP HAS SERVED TO COMPLICATE ACCOMMODATION ON A BALANCE OF RIGHTS AND DUTIES IN THE ZONE BETWEEN COASTAL AND MARITIME INTERESTS. THE GROUP OF 77 DRAFT ON THE ECONOMIC ZONE, ALTHOUGH CONSIDERABLY MORE COASTALLY ORIENTED THAN EVENSEN DRAFT, TO MEET DEMANDS OF COASTAL LDC'S, WAS REJECTED BY LANDLOCKED GROUP WHICH CONSIDERED THAT RIGHTS OF ACCESS INCORPORATED IN BOTH TEXTS WERE INSUFFICIENT. IT IS CONCEIVABLE THAT IF THE MARITIME AND COASTAL STATES CANNOT COMPROMISE THEIR DIFFERENCES ON THEIR CONCEPT OF THE ZONE, THE LANDLOCKED GDS COULD USE THEIR VOTING POWER TO BLOC AN AGREEMENT BY OPPOSING A WORKABLE TEXT, OR BY SUPPORTING A TEXT UNACCEPTABLE TO A LARGE PERCENTAGE OF OTHER STATES.

D) STRAITS AND ARCHIPELAGOES: CONSIDERABLE PROGRESS WAS MADE IN PRIVATE DISCUSSION ON THE STRAITS ISSUE, WITH A NUMBER OF DELEGATIONS INDICATING FOR THE FIRST TIME THAT THEY WOULD ULTIMATELY SUPPORT A REGIME OF UNIMPEDED PASSAGE. RESOLUTION OF ARCHIPELAGO ISSUE REMAINS AN IMPORTANT FACTOR IN ACHIEVING THE NECESSARY AGREEMENT ON TRANSIT. ON THE ARCHIPELAGO ISSUE, WE HAVE ACHIEVED SUBSTANTIAL AGREEMENT WITH FIJI AND THE BAHAMAS, WHICH HAS IN TURN, ASSISTED IN DEVELOPING A MODERATE GROUP ON STRAITS AND ARCHIPELAGOES.

E) RELUCTANCE OF USSR AND OTHER EUROPEAN STATES TO ACCELERATE PACE OF PROGRESS: THE GROUP OF FIVE (U.S., UK, FRANCE, USSR, JAPAN) MET REGULARLY DURING THE CONFERENCE AND COORDINATED COMMENTS AND EFFORTS PARTICULARLY WITH RESPECT TO NEGOTIATION ON BASIC CONDITIONS DRAFT PAPER IN COMMITTEE I. IT IS APPARENT, HOWEVER, THAT ON DIFFERENT ISSUES FOR DIFFERENT REASONS A NUMBER OF EUROPEAN STATES, INCLUDING THE USSR AND FRANCE, PREFER THE PRESENT SLOW PACE OF PROGRESS. SOME EAST AND WESTERN EUROPEAN DISTANT WATER FISHING STATES, INCLUDING THE USSR, ARE RELUCTANT TO PUSH FOR AN AGREEMENT WHERE CONSENSUS CLEARLY FAVORS COASTAL STATE JURISDICTION OVER FISHERIES WITHIN THE ECONOMIC ZONE. FRANCE AND THE FRG ARE NOTABLY CONSERVATIVE ON DEEP SEABED ISSUES AND IN FACT THE U.S. HAS BEEN MORE FORTHCOMING THAN THEY ARE IN SEEKING TO ACCOMMODATE DESIRES OF THE DEVELOPING STATES WITH RESPECT TO THE DEEP SEABED AUTHORITY. THE UK HAS ALSO TAKEN A SOMEWHAT CONSERVATIVE APPROACH, THOUGH NOT AS PRONOUNCED AS OTHERS, IN PART DUE TO INTERNAL POLITICAL PROBLEMS AND IN PART DUE TO INTEREST IN ENSURING JURISDICTION OVER THE MARGIN.

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C O N F I D E N T I A L SECTION 2 OF 4 GENEVA 3400
F) EXCEPTIONS FOR DISTANT WATER FISHERIES: DESPITE A VARIETY OF EFFORTS AND PROPOSALS, IT WAS NOT POSSIBLE TO REACH ANY KIND OF COMPROMISE ON THE HIGHLY MIGRATORY ISSUE THAT WOULD EXCEPT ALLOCATION FROM BOASTAL STATE JURISDICTION OR EVEN ACHIEVE A NEUTRAL FORMULA THAT WOULD PROTECT OUR OPTIONS IN A REGIONAL ORGANIZATION. ALSO, THE FULL UTILIZATION ARTICLE IN THE EVENSEN TEXT, ALTHOUGH GRANTING ACCESS RIGHTS TO FOREIGN FISHERIES IN THE ECONOMIC ZONE, PROVIDES FOR EXTENSIVE COASTAL STATE REGULATION OF SUCH ACCESS.
G) CONTINENTAL MARGIN: JURISTICATION OVER THE MARGIN WHERE IT EXTENDS BEYOND 200 MILES IS CLEARLY AN ESSENTIAL ELEMENT OF AGREEMENT FOR MOST OF THE IMPORTANT BROAD MARGIN STATES. HOWEVER, IT DOES APPEAR LIKELY THAT A COMPROMISE ACCEPTABLE TO OTHER STATES CAN BE REACHED WHICH WOULD COUPLE SUCH JURISDICTION WITH REVENUE SHARING BEYOND 200 MILES. DISCUSSION OF MEANS OF REVENUE SHARING WITHOUT IMPOSING AN UNACCEPTABLE FINANCIAL BURDEN WAS DISCUSSED IN THE LAST WEEKS WITH THE U.S. PROPOSING A SYSTEM OF PAYMENT OF PRODUCTION VALUE AT WELL HEAD WHICH WOULD NOT BE OPERATIVE FOR FIRST FIVE YEARS OF PRODUCTION, AND WOULD THEREAFTER INCREASE FROM ONE PERCENT IN SIXTH YEAR TO MAXIMUM OF FIVE PERCENT IN THE TENTH YEAR AND THEREAFTER. ALTHOUGH AGREEMENT WAS NOT REACHED ON CRITERIA FOR DELIMITATION OF MARGIN BEYOND 200 MILES, FORMULAS WERE DEvised WHICH APPEARED TO HAVE GOOD PROSPECTS FOR AGREEMENT AMONG BROAD MARGIN STATES.

H) IDEOLOGICAL CHARACTER OF DEEP SEABED NEGOTIATIONS:
THE MOST DIFFICULT PROBLEM AT THE CONFERENCE IS THE DEEP SEABED NEGOTIATION BECAUSE THE DEVELOPING COUNTRIES ARE NOW ACTIVELY SEEKING TO CREATE A NEW ECONOMIC ORDER WHICH INVOLVES A COMPLETE REAPPRAISAL OF THE USE OF THEIR COLLECTIVE POWER AS RAW MATERIALS PRODUCERS. THE DEEP SEABED IS THEIR FIRST GENUINE MULTILATERAL CONFERENCE OPPORTUNITY TO PUT INTO PRACTICE THEIR VERY STRONG FEELINGS ABOUT THE CONTROL AND DISPOSITION OF RAW MATERIALS. FAILURE TO OBTAIN A TREATY WOULD PRECLUDE PARTICIPATION AT LEAST IN FORESEEABLE FUTURE IN SEABED EXPLOITATION BY DEVELOPING

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COUNTRIES, AND THIS WILL PRESUMABLY BE A PART OF THE ASSESSMENT BY DEVELOPING COUNTRIES ON DESIRABILITY OF CONCLUDING AN AGREEMENT. J) THE FOLLOWING SECTIONS SUMMARIZE THE WORK OF THE THREE MAIN COMMITTEES, AND OF THE DISPUTE SETTLEMENT WORKING GROUP.

3. COMMITTEE I: DEEP SEABEDS

PRIVATE CONSULTATIONS

A SIGNIFICANT PORTION OF COMMITTEE I'S WORK WAS CARRIED OUT IN PRIVATE CONSULTATIONS DURING THE GENEVA SESSION. A "SECRET" NEGOTIATING GROUP WAS FORMED UNDER THE CHAIRMANSHIP OF CHRISTOPHER PINTO (SRI LANKA) AT THE BEGINNING OF THE GENEVA SESSION. THE GROUP CONSISTED OF COMMITTEE I REPS. FROM SRI LANKA, ALGERIA, BRAZIL, INDIA, KENYA, PERU, SINGAPORE, TANZANIA, FRANCE, JAPAN, THE UNITED KINGDOM, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES. IN ADDITION TO THIS GROUP, THE UNITED STATES CONTINUED CONSULTATIONS AMONG THE GROUP OF FIVE AND ON SEVERAL OCCASIONS MET WITH THE EIGHT LDC MEMBERS OF THE NEGOTIATING GROUP. THE PRINCIPAL OBJECTIVE OF THE PRIVATE NEGOTIATING GROUP WAS TO ASSEMBLE THE COMMITTEE I "POLITICAL PACKAGE".

NEGOTIATING TRENDS

A) TIMING: IN ADOPTING THE POSTURE THAT THE GENEVA SESSION SHOULD BE THE FINAL SUBSTANTIVE NEGOTIATING SESSION OF THE CONFERENCE, THE UNITED STATES DELEGATION WAS VIRTUALLY ISOLATED. WHILE THE MAJORITY OF THE GROUP OF 77 APPEARED TO ATTACH A NEW SENSE OF URGENCY TO THE COMMITTEE'S WORK, THERE WAS A GENERAL UNDERSTANDING FROM THE OUTSET THAT AT LEAST ONE MORE FULL NEGOTIATING SESSION WOULD BE SCHEDULED IN 1976. THE OTHER MEMBERS OF THE GROUP OF FIVE PRIVATELY ASCRIBED TO THIS UNDERSTANDING AND WERE UNWILLING TO MOVE QUICKLY TOWARDS COMPROMISE SOLUTIONS.

B) BASIC CONDITIONS: THE LEADERSHIP OF THE GROUP OF 77 WAS EXTREMELY RELUCTANT TO ACCEPT THE PINTO DRAFT BASIC CONDITIONS (WHICH WERE HIGHLY DISCRETIONARY) EVEN AS A BASIS FOR NEGOTIATION. THE REVISED VERSION OF THESE BASIC CONDITIONS, ISSUED AT THE END OF THE SESSION, IS CLOSER TO THE 77'S POSITION.

C) EXPLOITATION SYSTEM: THE PINTO DRAFT BASIC CONDITIONS OUTLINED A RESERVATION OF AREAS SYSTEM THAT WAS MORE CLEARLY ATTUNED TO THE USSR CONCEPT WHERE STATES ACQUIRE RIGHTS IN CERTAIN RESERVED AREAS, WHILE THE AUTHORITY HAS COMPLETE DISCRETION OVER EXPLOITATION IN THE REMAINDER OF THE SEABED. WHILE THE COMBINATION OF UNITED STATES AND USSR CONCEPTS PRODUCED AN UNWORKABLE SYSTEM, WE BELIEVE THAT THE 77 CLEARLY UNDERSTOOD THE DISTINCTION BETWEEN

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THE TWO APPROACHES. THUS, THEIR REJECTION OF THE RESERVATION OF AREAS CONCEPT APPEARS TO INDICATE A PARALLEL SYSTEM, AS PROPOSED BY THE SOVIETS, IS NONNEGOTIABLE. THIS CONCLUSION IS ALSO BASED ON A SERIES OF AD REFERENDUM EXPLORATORY DISCUSSIONS CONCERNING THE BANKING SYSTEM, BEGUN BY UNDER SECRETARY MAW DURING HIS VISIT TO GENEVA (REPORTED IN FULL-LENGTH CLASSIFIED REPORT). FOR STRONG IDEOLOGICAL REASONS, THE LDC'S CONTINUE TO INSIST ON DIRECT EXPLOITATION AS THE PRIMARY SYSTEM OF OPERATION, LARGELY INTERPRET DIRECT EXPLOITATION TO MEAN WHAT WE CALL "SERVICE CONTRACTS", BUT ARE UNWILLING TO DEFINE IT AS SUCH IN THE TREATY. FOR EXAMPLE, A PRIVATE INITIATIVE ON THE PART OF ONE LDC LEADER TO FORMULATE AN ARTICLE 9 THAT ESSENTIALLY DEFINED DIRECT EXPLOITATION AS SERVICE CONTRACTS AND PROVIDED FOR A GRADUAL PHASING OUT OF A JOINT VENTURE SYSTEM INTO SERVICE CONTRACTS WAS EFFECTIVELY KILLED BY OTHER LDC LEADERS.

D) PRODUCTION CONTROLS: THE POSITION OF THE LANDBASED PRODUCERS HAS SUBSTANTIALLY DECLINED WITHIN THE GROUP OF 77. PRIVATE CONSULTATIONS INDICATE THAT, WHILE IT MAY NOT BE POSSIBLE TO NEGOTIATE A CONVENTION THAT DOES NOT PROVIDE FOR PRODUCTION CONTROL POWERS IN THE AUTHORITY, MANY LDC CONSUMERS MAY SUPPORT VERY STRINGENT PROTECTIONS IN THE DECISION-MAKING PROCEDURES FOR USING THESE CONTROLS.

E) MACHINERY: EVEN BEFORE THE GENEVA SESSION, THE GROUP OF 77 HAD APPARENTLY AGREED TO COMPROMISE ON THE STRUCTURES AND POWERS OF THE COUNCIL. THEIR NEW PROPOSAL FOR A COUNCIL WITH RESERVED SEATS FOR BOTH DEVELOPED AND DEVELOPING COUNTRIES IS THOUGHT TO BE NEGOTIABLE FURTHER TOWARDS UNITED STATES DEMANDS. FOR THE ASSEMBLY, HOWEVER, THE LDC'S CONTINUE TO INSIST ON BROAD POLICY-MAKING POWERS WHICH CAN BASICALLY USURP THE JURISDICTION OF THE COUNCIL.

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C O N F I D E N T I A L SECTION 3 OF 4 GENEVA 3400

F) SINGLE TEXTS: ALTHOUGH THE CHAIRMAN OF COMMITTEE I, PAUL ENGO (CAMEROON) WAS OFFICIALLY CHARGED WITH PREPARING SINGLE TEXTS ON THE REGIME AND MACHINERY, PINTO WAS PRIVATELY REQUESTED TO PERFORM THIS TASK. THE REVISED PINTO DRAFT, HOWEVER, WAS ONLY PARTIALLY UTILIZED BY ENGO IN THE PREPARATION OF THE FINAL DRAFT THAT WAS SUBMITTED TO THE CONFERENCE AS THE COMMITTEE I SINGLE TEXTS. IN THE PREPARATION OF THE DRAFT REGIME AND MACHINERY ARTICLES, BOTH THE UNITED STATES AND OTHER MEMBERS OF THE GROUP OF FIVE, AND KEY LDC LEADERS WERE GIVEN OPPORTUNITIES TO COMMENT IN GREAT DETAIL ON PINTO'S CONCEPT OF WHERE THE BASIC COMPROMISES MIGHT BE FOUND. GIVEN THE POTENTIALLY IMPORTANT IMPLICATIONS OF THE PINTO DRAFT TREATY FOR FUTURE NEGOTIATIONS IN C-1, IT IS APPENDED TO THE FULL-LENGTH REPORT.

G) CONCLUSION:

AS A RESULT OF THE GENEVA SESSION, IT IS NOT POSSIBLE TO PERCEIVE THE GENERAL OUTLINES OF A TREATY THAT MIGHT BE ACCEPTABLE TO THE GROUP OF 77.

THE CRITICAL ISSUE CONTINUES TO BE WHETHER THE INTERNATIONAL AUTHORITY WILL BE REQUIRED TO PERMIT STATES AND THEIR NATIONALS TO EXPLOIT THE SEABED. THE GROUP OF 77 RETAIN THEIR STRONGLY FELT AVERSION TO SUCH A REQUIREMENT AND ARE OFFERING TO PAY FOR THEIR DEMANDS BY YIELDING TO THE INDUSTRIALIZED COUNTRIES' REQUIREMENTS FOR A CAREFULLY STRUCTURED INTERNATIONAL MACHINERY.

4. COMMITTEE II - TERRITORIAL SEA, STRAITS, ECONOMIC ZONE:
THE WORK ON COMMITTEE II ISSUES SHOULD BE EVALUATED ON THE BASIS OF THE FOLLOWING:

A) THE MAJOR ISSUE-- THE ECONOMIC ZONE-- WAS CONSIDERED PRIMARILY BY THE EVENSEN GROUP, WHICH COMPLETED A COMPREHENSIVE SINGLE TEXT ON THE ZONE. OPEN DEBATE IN COMMITTEE II WAS ESSENTIALLY A HOLDING OPERATION, BUT WAS ALSO USED AS A VEHICLE FOR THINLY VEILED ATTACKS ON EVENSEN GROUP AS BEING NOT FULLY REPRESENTATIVE PARTICULARLY OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES.
B) OPEN-ENDED "INFORMAL CONSULTATIONS" WERE HELD FOR THE PURPOSE

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OF PROVIDING A FOUNDATION FOR THE CHAIRMAN'S SINGLE TEXT. THEY WERE NOT INTENDED TO BE NEGOTIATIONS.

C) SMALL INFORMAL CONSULTATIVE GROUPS HAVE BASICALLY COMPLETED SINGLE TEXTS ON A LARGE NUMBER OF IMPORTANT, BUT LESS CONTROVERSIAL ISSUES, E.G., BASELINES, INNOCENT PASSAGE IN THE TERRITORIAL SEA AND THE HIGH SEAS.

D) A PRIVATE NEGOTIATING GROUP ON STRAITS THAT INCLUDED ARAB STATES AND OTHER DEVELOPING COUNTRIES, CHAIRED BY THE UK AND FIJI, HAS PRODUCED A SINGLE NEGOTIATING TEXT THAT ENDORSES UNIMPEDED PASSAGE AND WILL PRESUMABLY BE THE BASIS FOR FUTURE NEGOTIATION. POSITIVE ACHIEVEMENT OF U.S. OBJECTIVES INCLUDE THE FOLLOWING:

A) THE EVENSEN TEXT ON THE ECONOMIC ZONE CAME OUT FAIRLY WELL ON MOST ISSUES; FREEDOM OF NAVIGATION AND OVERFLIGHT ARE PROVIDED FOR; THE TEXT INCLUDES CONSERVATION AND FULL UTILIZATION PROVISIONS ON FISHERIES; SALMON CAME OUT WELL, AND WITHOUT A MAJOR FIGHT WITH JAPAN.

B) THE UK-FIJI TEXT ON STRAITS IS A SOUND BASIS FOR NEGOTIATION.

C) OUR HARD CORE STRAITS OPPOSITION HAS BEEN REDUCED TO CHINA, ALBANIA, SPAIN, OMAN, YEMEN, DEMOCRATIC YEMEN, AND THE PHILIPPINES, WHILE SUPPORTERS OF THE UK-FIJI TEXT ARE GROWING, NOTABLY INCLUDING SOME ARABS, ARGENTINA, INDIA, KENYA, THE BAHAMAS, AND FIJI (RAPPORTEUR OF COMMITTEE II). INDONESIA AND MALAYSIA HAVE BEEN VIRTUALLY SILENT, AND MOROCCO LAUNCHED A COLONIALISM ATTACK ON SPAIN LINKED TO THE STRAITS ISSUE.

D) WE HAVE BEEN VERY SUCCESSFUL IN GETTING GOOD TEXTS ON IMPORTANT BUT LESS POLITICIZED ISSUES SUCH AS BASELINES.

E) THERE HAS BEEN NO PUBLIC DEBATE ON ARCHIPELAGOS WHILE PRIVATE NEGOTIATIONS CONTINUE. NEGATIVE ASPECTS INCLUDE THE FOLLOWING:

A) THERE HAS BEEN NO FORMAL ADOPTION OF TEXTS OR AGREEMENT ON A COMMITTEE II PACKAGE, AND THE RISK OF UNILATERAL ACTION IS INCREASED.

B) THE GROUP OF 77 TEXT ON THE ECONOMIC ZONE CONTAINS VERY UNDESIRABLE ELEMENTS, AND IF PRESSED AT THE NEXT SESSION, COULD SEVERELY DAMAGE CHANCES OF AGREEMENT.

C) THERE IS VERY CONSIDERABLE OPPOSITION TO REGARDING THE ECONOMIC ZONE AS HIGH SEAS. TIME APPEARS TO BE ON THE SIDE OF THE TERRITORIALISTS.

D) THE LARGE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES REMAIN FRUSTRATED, AND ISSUES OF CONCERN TO THEM HAVE NOT

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BEEN RESOLVED, THUS COMPLICATING ATTEMPTS TO REACH AGREEMENT;
E) NO CONSENSUS HAS YET EMERGED ON THE CONTINENTAL MARGIN BEYOND
200 MILES.

IT IS NOT POSSIBLE TO PREDICT WHAT WILL HAPPEN IN COMMITTEE II
AT THE NEXT SESSION. A POSITIVE SCENARIO MIGHT BE BASES ON THE
FOLLOWING:

A) THE TWO KEY TREATY ELEMENTS--THE ECONOMIC ZONE AND STRAITS--
ARE VIRTUALLY COMPLETE IF THE EVENSEN TEXT ON THE ECONOMIC ZONE
AND THE UK-FIJI TEXT ON STRAITS REMAIN ESSENTIALLY THE BASIS OF
NEGOTIATION. MOST TECHNICAL ARTICLES ARE COMPLETED.

B) OUR ARCHIPELAGO NEGOTIATIONS WITH INDONESIA WILL BE SUCCESS-
FULLY CONCLUDED--A KEY ASPECT OF THE STRAITS STRATEGY.

C) AUSTRALIA AND ARGENTINA ON THE ONE HAND, AND THE LANDLOCKED
STATES ON THE OTHER, WILL NOT BLOCK AN OVERALL PACKAGE THAT INCLUDES
A COMPROMISE COUPLING JURISDICTION OVER THE MARGIN BEYOND 200 MILES
WITH REVENUE SHARING BEYOND 200 MILES.

D) THE EXTREME STRAITS STATES AND TERRITORIALISTS WILL REMAIN
SMALL IN NUMBER AND WILL BE DISREGARDED.

E) THE LANDLOCKED, PARTICULARLY THE GEOGRAPHICALLY DISADVANTAGED
STATES, WILL COMPROMISE ON ACCESS TO FISHERIES IN THE ECONOMIC
ZONE.

A NEGATIVE COMMITTEE II SCENARIO MIGHT BE BASED ON THE FOLLOWING:

A) THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES DECIDE
THAT THEY WILL NOT GET ADEQUATE RIGHTS, AND THUS SEE LITTLE POINT
IN "RECOGNIZING" THE ECONOMIC ZONE AND THUS OPPOSE A TREATY.

B) THE TERRITORIALISTS ADOPT AND SUCCEED IN A TACTIC OF
APPEALING FOR GROUP OF 77 SOLIDARITY IN AN EFFORT TO UNDERMINE
THE EVENSEN, OR SINGLE NEGOTIATING TEXT AS A BASIS FOR NEGOTIATION.
POLITICAL EVENTS IN THE UN OR OTHER CONFERENCES COULD FURTHER
ENCOURAGE EXTREME GROUP OF 77 BEHAVIOR.

E) UNILATERAL CLAIMS IN THE INTERIM WILL (I) HAVE REDUCED THE
MAJOR PRESSURE ON RESPONSIBLE STATES FOR ACHIEVING AGREEMENT,
NAMELY TO ACHIEVE FISHERIES JURISDICTION, AND (II) BE SO EXTREME
IN SOME CASES (E.G. A 200-MILE TERRITORIAL SEA) AS TO PRECLUDE
COMPROMISE WITH THE UNITED STATES.

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 F) THE DISTANT WATER FISHING STATES ACQUIESCE IN
 FACT IN UNILATERAL FISHERIES CLAIMS, AND THE MARITIME
 STATES ACQUIESCE IN FACT (AVOID THE ISSUE) IN UNILAT-
 ERAL CLAIMS OF CONTROL OVER NAVIGATION (E.G. TERRI-
 TORIAL SEA OR "POLLUTION") CONVINCING THE MAJORITY
 OF THE COASTAL STATES THAT AGREEMENT IS NOT NECESSARY
 TO ACHIEVE THEIR COASTAL OBJECTIVES.

G) THERE IS INSUFFICIENT TIME TO WRAP UP ALL THE
 ISSUES NECESSARY FOR INCLUSION IN THE PACKAGE.

5. COMMITTEE III-MARINE POLLUTION AND SCIENTIFIC
 RESEARCH

A) MARINE POLLUTION: IN GENERAL, NEGOTIATIONS ON
 NON-VESSEL ISSUES WENT WELL WITH MEANINGFUL ENVIRON-
 MENTAL PROTECTION OBLIGATIONS EMERGING ON SEVERAL
 QUESTIONS. MAJOR PROBLEMS ARE CONTINUING SUPPORT
 FOR A DOUBLE STANDARD ALLOWING LESS STRINGENT STAN-
 DARDS FOR LDC'S AND OPPOSITION TO EFFECTIVE OBLIGA-
 TIONS IN DUMPING AND CONTINENTAL SHELF POLLUTION FROM
 SOME LDC'S, NOTABLY INDIA AND BRAZIL. OTHER
 LDC'S LED BY MEXICO, ARE MORE MODERATE AND SEEM
 WILLING TO COMPROMISE ON THESE QUESTIONS.

ON VESSEL SOURCE POLLUTION BEYOND TERRITORIAL SEA, THERE
 SEEMS TO BE CONSIDERABLE WILLINGNESS TO AGREE ON A
 COMPROMISE BASED ON ENFORCEMENT RIGHTS ONLY, AL-
 THOUGH SOME LDC'S CONTINUE TO SUPPORT COASTAL STATE
 DESIRE FOR ENFORCEMENT RIGHTS IN ENTIRE 200-MILE ZONE
 AND MARITIME STATES ATTEMPT TO LIMIT SEVERELY PORT
 STATE ENFORCEMENT RIGHTS. MANY LDC'S PRIVATELY
 INDICATED WILLINGNESS TO SUPPORT UNRESTRICTED PORT
 STATE ENFORCEMENT OF INTERNATIONAL DISCHARGE STANDARDS
 AS PART OF AN OVERALL ENFORCEMENT SYSTEM.

B) SCIENTIFIC MARINE RESEARCH: ALTHOUGH GREAT DIFFI-
 CULTIES OBVIOUSLY EXIST IN DISTINGUISHING BETWEEN

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RESOURCE AND NON-RESOURCE RELATED RESEARCH, IT APPEARS THAT FUTURE NEGOTIATIONS WILL CENTER UPON THIS DISTINCTION. MAJOR EFFORTS WILL HAVE TO BE MADE TO NARROW THE SCOPE OF RESOURCE-RELATED RESEARCH. A PROPER PROCEDURAL APPROACH WOULD ALSO APPEAR NECESSARY WHERE RESEARCHING STATES CAN SEEK TO OPERATE UNDER AN OBLIGATION REGIME UNLESS THE COASTAL STATE TAKES AFFIRMATIVE ACTION TO REPLACE IT UNDER A CONSENT REGIME. FROM AN OVERALL PERSPECTIVE, A REGIME WHICH MAKES A DISTINCTION BETWEEN KINDS OF RESEARCH BASED UPON WHETHER IT IS RELATED TO RESOURCES, CAN BE SEEN AS A FURTHER DEFINITION OF THE NATURE OF COASTAL STATE JURISDICTION IN THE ECONOMIC ZONE.

6. SETTLEMENT OF DISPUTES

AS A RESULT OF THE WORK OF THIS SESSION, IT NOW APPEARS THAT WE HAVE A GOOD CHANCE TO OBTAIN AGREEMENT ON BINDING DISPUTE SETTLEMENT IN THE CONVENTION FOR BOTH THE DEEP SEABED AND AT LEAST FOR CERTAIN QUESTIONS (E.G., NAVIGATION) IN AREAS UNDER NATIONAL JURISDICTION. LATIN AND CANADIAN PRESSURE, HOWEVER, WILL PROBABLY NECESSITATE AN ACCOMMODATION IN AREAS UNDER NATION JURISDICTION TO PROTECT COASTAL STATE REGULATORY DISCRETION WITH RESPECT TO RESOURCES.

THERE WAS STRONG OPPOSITION TO THE CONCEPT OF THE LOS TRIBUNAL BY THE LATINS, SOVIETS, AND JAPAN, AMONG OTHERS. ON THE OTHER HAND, SOME AFRICAN DELEGATES TELL US THAT THE INCLUSION OF THE TRIBUNAL IN THE PROPOSAL FORWARDED TO THE PRESIDENT MAY HELP TO DEVELOP THE REQUISITE LDC SUPPORT FOR COMPULSORY DISPUTE SETTLEMENT. ABRAMS

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TOR:101115Z MAY 75

Geneva

Gen. Comm.

Comm. I, II, & III

R 100835Z MAY 75

FM USMISSION GENEVA

TO RUEHC/SECSTATE WASHDC 2796

INFO RUEHDT/USMISSION USUN NY 1675

RUEHIA/USIA WASHDC 1490

BT

UNCLAS SECTION 1 OF 4 GENEVA 3399

DEPT PLS PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION GENEVA, USDEL

MTN GENEVA, USDEL SALT II GENEVA

FROM USDEL LOS

USIA FOR IPA & IBS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: UNCLASSIFIED SUMMARY OF DELEGATION REPORT

1. SUMMARY: FOLLOWING IS A SUMMARY OF THE DELEGATION

REPORT ON GENEVA SESSION OF THE LAW OF THE SEA

CONFERENCE, MARCH 17-MAY 9, 1975. THE DETAILED DELEGATION

REPORT ON THE WORK OF THE MAIN COMMITTEES AND RELEVANT

TEXTS WILL BE FORWARDED BY POUCH.

2. EVALUATION OF SESSION:

A. THE PRINCIPAL VISIBLE RESULT OF THE GENEVA SESSION IS
THE DISTRIBUTION OF INFORMAL SINGLE TEXTS COVERING ALL SUB-
JECTS BEFORE THE CONFERENCE. THE CHAIRMAN OF THE DISPUTE SETTLE-MENT GROUP ALSO SUBMITTED A TEXT TO THE PRESIDENT OF THE
CONFERENCE. THE SINGLE TEXTS WERE PRESENTED TO THE CONFERENCE
PRESIDENT BY THE CHAIRMAN OF THE THREE MAIN COMMITTEESAS A BASIS FOR NEGOTIATION OF A COMPREHENSIVE TREATY. THESE TEXTS FO
NOT RPT NOT REPRESENT AGREED ARTICLES OR CONSENSUS TEXTS BUT
REPRESENT THE JUDGEMENT OF COMMITTEE CHAIRMEN BASED ON THEIRASSESSMENT OF THE NEGOTIATION THUS FAR AS TO THE
APPROPRIATE STARTING POINT FOR FURTHER NEGOTIATIONS
DURING THE INTERSESSIONAL PERIOD AND AT NEXT SESSIONIN APRIL 1976. AS SINGLE TEXTS WERE DISTRIBUTED ON THE
LAST DAY, THE DELEGATION HAS NOT HAD AN OPPORTUNITY
TO REVIEW OR ANALYZE THEM. A DETAILED EVALUATION WILL
BE MADE IN WASHINGTON IN THE NEAR FUTURE BY THE NSC
INTERAGENCY TASK FORCE. THE TEST OF THE VALUE OF THE
SINGLE TEXT WILL BE THE EXTENT TO WHICH IT FACILITATES
FURTHER NEGOTIATIONS.

B. THE CRUCIAL QUESTION REMAINS AS TO WHETHER THERE

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IS A WIDESPREAD GENUINE WILL TO REACH ACCOMMODATION. WITHOUT SUCH WILL, THE SINGLE TEXT COULD PROVIDE NOTHING MORE THAN ANOTHER VEHICLE TO RESTATE OR REINTRODUCE FUNDAMENTAL DIFFERENCES.

C. IN THE JUDGEMENT OF THE DELEGATION, THE POINT HAS NOW BEEN REACHED WHEN A MAJORITY OF STATES MUST MAKE AS ASSESSMENT IN THE INTERIM PERIOD BEFORE THE NEXT SESSION AS TO WHETHER A TIMELY CONCLUSION OF AN OVERALL TREATY IS IN THEIR INTERESTS. THERE ARE PRESSURES IN MANY COUNTRIES, INCLUDING THE US, FOR UNILATERAL ACTION TO RESOLVE IMMEDIATE DIFFICULTIES, ESPECIALLY COASTAL FISHERIES, WHICH MAY FURTHER COMPLICATE NEGOTIATION OF COMPREHENSIVE TREATY. THERE APPEARED TO BE A GENERAL WILL TO NEGOTIATE ON MAJOR ECONOMIC ZONE AND POLLUTION QUESTIONS, WITH POSITIONS DRAWING MUCH CLOSER, AND TO A LESSER EXTENT WITH RESPECT TO SCIENTIFIC RESEARCH AND THE INTEREST OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, POSITIONS ARE STILL FAR APART. THE REMAINDER OF THIS REPORT WILL REVIEW COURSE OF NEGOTIATIONS AND DELEGATION'S ASSESSMENT OF CURRENT TRENDS.

D. TERRITORIAL SEA AND STRAITS: A SUBSTANTIAL CONSENSUS CONTINUES ON A TERRITORIAL SEA OF 12 MILES. THERE APPEARS TO BE A STRONG TREND IN FAVOR OF UNIMPEDED PASSAGE OF STRAITS USED FOR INTERNATIONAL NAVIGATION AS PART OF A COMMITTEE II PACKAGE.

E. ECONOMIC ZONE, INCLUDING FISHERIES: NEGOTIATION OF BALANCE OF RIGHTS AND DUTIES IN 200-MILE ECONOMIC ZONE IS ONE OF THE MOST IMPORTANT ELEMENTS OF A SATISFACTORY PACKAGE. THE PRINCIPAL EFFORTS ON THIS ISSUE WERE MADE IN THE EVENSEN INFORMAL GROUP, A GROUP OF SOME 40 NATIONS FROM ALL REGIONS, CHAIRMED BY MINISTER JENS EVENSEN OF NORWAY. THE EVENSEN GROUP BEGAN WORK ON THE ECONOMIC ZONE PRIOR TO CONFERENCE AND COMPLETED WORK THIS SESSION OF A CHAPTER ON THE ECONOMIC ZONE INCLUDING FISHERIES, AND THE CONTINENTAL SHELF. WITH RESPECT TO FISHERIES THE EVENSEN GROUP TEXT INCLUDES ARTICLES ON ALL FISHERIES ISSUES INCLUDING ANADROMOUS SPECIES (SALMON) BUT NOT HIGHLY MIGRATORY (TUNA) AND IT REFLECTS A GENERAL CONSENSUS WITHIN THE CONFERENCE

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ON A COASTAL STATE JURISDICTION OVER COASTAL FISHERIES WITHIN A 200-MILE ECONOMIC ZONE, COASTAL STATES WOULD HAVE COMPREHENSIVE JURISDICTION TO MANAGE COASTAL STOCKS IN THE ECONOMIC ZONE, COUPLED WITH A DUTY TO INSURE THEIR CONSERVATION AND TO PERMIT ACCESS BY FOREIGN STATES TO FISH STOCKS IN EXCESS OF THE COASTAL STATE'S CAPACITY TO HARVEST. THE TEXT ON SALMON REPRESENTS AN ACCOMMODATION THAT CONTAINS NEW STRONG PROTECTIONS FOR THE STATE OF OREGON WHILE PERMITTING SOME CONTINUATION OF TRADITIONAL FISHING.

F. DEEP SEABEDS: EFFORTS IN EARLY WEEKS WHICH SEEMED LIKELY TO MOVE TOWARD ACCOMMODATION WITH DEVELOPING COUNTRIES ON KEY QUESTIONS OF BASIC CONDITIONS OF EXPLOITATION DID NOT SURVIVE PRESSURES WITHIN THE GROUP OF 77 TO RETURN TO ORIGINAL IDEOLOGICAL POSITIONS. DOCTRINAL DIFFERENCES HAVE PREVIOUSLY PREVENTED PROGRESS ON THIS SUBJECT AND GAP WAS NOT BRIDGED THIS SESSION. HOWEVER, LIMITED FLEXIBILITY WAS SHOWN IN EFFORTS TO REACH ACCOMMODATION ON BASIC QUESTIONS INVOLVED IN INTERNATIONAL MACHINERY REGARDING POWERS AND FUNCTIONS OF THE ASSEMBLY, COUNCIL TRIBUNAL, AND TECHNICAL COMMISSIONS, AS WELL AS VOTING PROCEDURES AND PROVISIONAL APPLICATION OF THE REGIME AND MACHINERY.

G. DISPUTE SETTLEMENT: TEXT FORWARDED TO THE PRESIDENT BY AN INFORMAL GROUP OF ABOUT 60 STATES SETS FORTH THE DISPUTE SETTLEMENT PROCEDURES FOR INCLUSION IN THE CONVENTION. WHILE IT PROCEEDS ON THE PRINCIPLE THAT THERE WILL BE SOME BINDING DISPUTE SETTLEMENT PROCEDURES, THERE IS NO AGREEMENT YET ON WHAT THE SCOPE OF BINDING DISPUTE SETTLEMENT WILL BE IN THE ECONOMIC ZONE.

H. DETAILED NEGOTIATIONS IN THREE MAIN COMMITTEES AND IN DISPUTE SETTLEMENT GROUP ARE SUMMARIZED IN PARAGRAPHS 4, 5, 6, AND 7.

3. FUTURE WORK PROGRAM

THE PLENARY DECIDED THAT THE FOURTH SESSION OF THE CONFERENCE SHOULD BE HELD IN NEW YORK FOR EIGHTS WEEKS COMMENCING MARCH 29, 1976. IF THE LAW OF THE SEA CONFERENCE SO DETERMINES, AN ADDITIONAL SESSION WOULD BE HELD IN NEW YORK IN 1976 WITH A FINAL SIGNING

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SESSION IN CARACAS. THE EVENSEN GROUP DECIDED TO CONTINUE ITS INFORMAL NEGOTIATIONS, BUT IT WILL NOW BECOME AN OPEN ENDED GROUP FOR ALL INTERESTED PARTICIPANTS. THE GROUP PRESENTLY PLANS TO MEET DURING THE LAST WEEK OF AUGUST AND FIRST WEEK OF SEPTEMBER, WITH POSSIBLE ADDITIONAL MEETINGS DURING THE GENERAL ASSEMBLY AND IN EARLY 1976. EVENSEN ANNOUNCED THAT THE SUBJECTS OF MARINE POLLUTION, SCIENTIFIC RESEARCH, OUTER LIMIT OF CONTINENTAL SHELF AND REVENUE SHARING WOULD BE DISCUSSED.

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R 100835Z MAY 75
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 TO RUEHC/SECSTATE WASHDC 2797
 INFO RUEHDT/USMISSION USUN NY 1676
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UNCLAS SECTION 2 OF 4 GENEVA 3399
 4. COMMITTEE I. DEEP SEABEDS

A. GENERAL

SERIOUS NEGOTIATIONS OCCURED IN COMMITTEE I (CI) DURING GENEVA SESSION, WITH A NUMBER OF COMPROMISE PROPOSALS BEING EXPLORED, BUT THE MOST STRIKING FEATURE OF THIS SESSION WAS THE INABILITY OF THE DEVELOPING COUNTRIES, GROUP OF 77, TO MAKE CONCESSIONS ON THEIR MORE FUNDAMENTAL IDEOLOGICAL POSITIONS. ALTHOUGH THE DEVELOPING COUNTRIES WERE SOMEWHAT RECEPTIVE TO OUR BASIC CONCERNS IN THE AREA OF INSTITUTIONAL STRUCTURE AND THE NEED TO LIMIT THE AUTHORITY'S POWERS OVER EXPLOITATION, WE WERE NOT ABLE TO BRIDGE THE IDEOLOGICAL GAP ON THE EXPLOITATION SYSTEM. DESPITE A UNITED STATES EFFORT TO BE FORTHCOMING ON SOME OF THEIR DEMANDS FOR PARTICIPATION, THE DEVELOPING COUNTRIES CONTINUE TO SUPPORT THE VIEW THAT ONLY A SYSTEM IN WHICH THE AUTHORITY DIRECTLY EXPLOITS WILL PROTECT THEIR INTERESTS.

B. BASIC CONDITIONS AND THE EXPLOITATION SYSTEM
 THE UNITED STATES ENTERED THE COMMITTEE I NEGOTIATIONS AT GENEVA WITH A WILLINGNESS TO BE MORE FLEXIBLE ON ISSUES OF DIRECT CONCERN TO THE DEVELOPING COUNTRIES, WHILE AT THE SAME TIME PRESERVING ITS MOST IMPORTANT INTERESTS IN ACCESS TO DEEP SEABED MINERALS. DURING THE FIRST HALF OF THE SESSION, WE AGREED TO CONSIDER IN THE TREATY BASIC CONDITIONS OF EXPLOITATION AS OPPOSED TO DETAILED REGULATORY PROVISIONS (ON THE CONDITION THAT DETAILED REGULATIONS FOR THE PROVISIONAL PERIOD WOULD BE ADOPTED BY THE CONFERENCE). WE ALSO AGREED TO CONSIDER A SYSTEM OF JOINT VENTURES, WITH THE POSSIBILITY OF PROFIT-SHARING WITH THE AUTHORITY, AS THE SINGLE METHOD OF EXPLOITATION, AND PROPOSED A RESERVA-

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TION OF AREAS SYSTEM, UNDER THIS APPROACH, AN APPLI-
CANT FOR A JOINT VENTURE WOULD SUBMIT TWO MINE SITES,
ONE OF WHICH THE AUTHORITY WOULD DESIGNATE AS A
RESERVED AREA, IN THE RESERVED AREAS, THE AUTHORITY
COULD NEGOTIATE WITH APPLICANTS FOR THE MOST FAVORABLE
FINANCIAL TERMS AND COMMITMENTS TO TRANSFER TECHNOLOGY,
AT MID-SESSION, THE CHAIRMAN OF THE WORKING GROUP
INTRODUCED A PERSONAL DRAFT OF BASIC CONDITIONS THAT
FOCUSED PRIMARILY ON A CONTRACTURAL JOINT VENTURE SYSTEM
THAT INCLUDE RESERVATION OF AREAS FOR BOTH STATES AND
FOR DIRECT EXPLOITATION BY THE AUTHORITY, THIS ELABORA-
TION OF A PARALLEL SYSTEM (AN APPROACH IN WHICH THE
AUTHORITY DIRECTLY EXPLOITS AT THE SAME TIME THAT
STATES AND THEIR NATIONALS EXPLOIT UNDER A SEPARATE
SYSTEM) WAS INTENSIVELY CONSIDERED BY THE GROUP OF 77,
WHO EVENTUALLY REJECTED THE CONCEPT OF DESIGNATING
AREAS SOLELY FOR STATE EXPLOITATION AND ALSO REJECTED
THE PARALLEL SYSTEM AS ELABORATED IN THE DRAFT, THE
REASONS GIVEN BY THE GROUP OF 77 FOR ITS REJECTION OF
THIS CONCEPT RELATED TO THEIR IDEOLOGICAL DIFFICULTY
IN ESTABLISHING TWO SEPARATE REGIMES FOR THE INTER-
NATIONAL AREA.

C. MACHINERY

THE COMMITTEE DEVOTED ONLY THREE FORMAL SESSIONS
TO CONSIDERATION OF MACHINERY ISSUES, ALTHOUGH THE
GROUP OF 77 DEVELOPED A NEW, UNIFIED POSITION ON THESE
QUESTIONS, THE MOST IMPORTANT ASPECT OF THIS POSITION
WAS A WILLINGNESS TO INCLUDE REPRESENTATION ON THE
COUNCIL FOR DEVELOPED AND DEVELOPING COUNTRIES THAT
HAVE A SPECIAL INTEREST IN THE DEEP SEABED AND TO SUBMIT
THE ENTIRE EXPLOITATION SYSTEM TO THE CONTROL OF THE
COUNCIL. GROUP OF 77 DID NOT REACH AN AGREED POSITION
ON PRODUCTION CONTROLS APPARENTLY AS A RESULT OF THE
DIFFERING INTERESTS OF PRODUCERS AND CONSUMERS WITHIN
THE GROUP, THE UNITED STATES DELIVERED A STATEMENT IN
WHICH WE LISTED TWELVE CRITICAL ELEMENTS OF AN ACCEPT-
ABLE INTERNATIONAL MACHINERY.

D. SINGLE TEXTS

THE COMMITTEE CONCLUDED ITS ACTIVITIES THIS
SESSION WITH THE INTRODUCTION BY ITS CHAIRMAN OF A

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DRAFT OF SINGLE TEXTS ON THE REGIME AND MACHINERY, PREPARED AS A PERSONAL EFFORT. THE CHAIRMAN OF THE WORKING GROUP ALSO PREPARED A REVISED VERSION OF BASIC CONDITIONS WHICH WAS NOT CONSIDERED BY THE WORKING GROUP, ALTHOUGH IT WAS ANNEXED TO THE CHAIRMAN'S UNIFIED TEXTS.

E. CONCLUSION

IN MARKED CONTRAST TO PREVIOUS SESSIONS, COMMITTEE I ENGAGED IN INTENSIVE EFFORTS TO BRING OPPOSING VIEWS CLOSER TOGETHER. LITTLE PROGRESS WAS MADE IN BRIDGING THE IDEOLOGICAL GAP BETWEEN NATIONS ON THE BASIC ASPECTS OF THE EXPLOITATION SYSTEM, ALTHOUGH GREATER UNDERSTANDING WAS DEVELOPED ON THE RELATIVE NEEDS AND INTERESTS OF STATES THAT MUST BE ACCOMMODATED IN THE STRUCTURE AND POWERS OF THE INTERNATIONAL AUTHORITY.

5. COMMITTEE II. TERRITORIAL SEA, STRAITS, AND THE ECONOMIC ZONE, INCLUDING LIVING AND NON-LIVING RESOURCES: THE BASIC STRUCTURE OF A 12-MILE MAXIMUM TERRITORIAL SEA, UNIMPEDED PASSAGE OF STRAITS, AND A 200-MILE ECONOMIC ZONE WITH SOVEREIGN RIGHTS OVER LIVING AND NON-LIVING RESOURCES AND SPECIAL TREATMENT FOR ANADROMOUS SPECIES (SALMON) HAS NOW BEEN ELABORATED BY SPECIFIC TEXTS. THE COMMITTEE COMPLETED A REVIEW OF THE PAPER, DEVELOPED IN CARACAS TO REFLECT THE "MAIN TRENDS" OF THE DISCUSSIONS IN INFORMAL MEETINGS. WORKING GROUPS HAVE DEALT WITH VIRTUALLY ALL OF THE TRADITIONAL DETAILS OF THE TERRITORIAL SEA QUESTION, INCLUDING BASELINES AND INNOCENT PASSAGE, AND THE HIGH SEAS REGIME, MAKING SOME TECHNICAL CHANGES IN THE EXISTING REGIME. THE EVENSEN GROUP TEXT ON THE ECONOMIC ZONE REFLECTS A BROAD TREND OF OPINION; HOWEVER, ITS CIRCULATION WAS FOLLOWED BY EFFORTS IN THE GROUP OF 77 BY EXTREME TERRITORIALISTS TO MAKE THE ECONOMIC ZONE MORE COASTALLY ORIENTED, AND BY EFFORTS BY LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO SECURE GREATER RIGHTS OF ACCESS TO FISHERIES OF NEIGHBORING COASTAL STATES. ON FISHERIES, THE EVENSEN TEXT INCLUDES CONVERSATION AND FULL UTILIZATION ARTICLES AND AN ANADROMOUS (SALMON) ARTICLE PROTECTING THE INTERESTS OF THE STATE OF ORIGIN. WHILE NO AGREEMENT HAS YET EMERGED ON CONTINENTAL SHELF JURISDICTION BEYOND

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200 MILES, IT IS INCREASINGLY REGOGNIZED BY MANY MOD-
ERATES THAT COASTAL STATE JURISDICTION TO A PRECISELY
DEFINED LIMIT OF THE MARGIN BEYOND 200 MILES COUPLED
WITH REVENUE SHARING BEYOND 200 MILES IN THE ONLY WAY
TO ACHIEVE WIDESPREAD AGREEMENT.

THE MAIN NEGOTIATING PROBLEMS FACING COMMITTEE II
IN THE FUTURE ARE LIKELY TO INCLUDE THE FOLLOWING:

A. STATUS OF THE ECONOMIC ZONE. ASSUMING ALL
RESOURCE AND ECONOMIC ACTIVITIES (OTHER THAN NAVIGATION,
OVERFLIGHT, AND SUBMARINE CABLES AND PIPELINES) ARE
SUBJECT TO COASTAL STATE JURISDICTION, AND THAT POL-
LUTION AND SCIENTIFIC RESEARCH QUESTIONS ARE RESOLVED,
THE QUESTION IS WHETHER THE LEGAL STATUS OF THE ECONOMIC
ZONE REMAINS HIGH SEAS.

B. ACCESS OF LANDLOCKED AND GEOGRAPHICALLY DISAD-
VANTAGED STATES TO FISHERIES IN THE ECONOMIC ZONES OF
THEIR NEIGHBORS. THE LANDLOCKED STATES ARE NUMEROUS,
AND AN INCREASING NUMBER OF STATES BOTH DEVELOPED
AND DEVELOPING ARE REGARDING THEMSELVES AS GEOGRAPHICAL-
LY DISADVANTAGED.

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INFO RUEHDT/USMISSION USUN NY 1677
RUEHIA/USIA WASHDC 1492

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UNCLAS SECTION 3 OF 4 GENDVA 3399
C. RIGHT OF ACCESS TO THE SEA FOR LANDLOCKED STATES.
WHILE IN PRINCIPLE EVERYONE AGREES, THE STRENGTH AND
SCOPE OF THE "RIGHT" IS CONTENTIOUS, AMONG CONCERNED
STATES.
D. HIGHLY MIGRATORY SPECIES (TUNA). NO COMPLETE
MEETING OF THE MINDS HAS YET BEEN REACHED ON THIS ISSUE,
ALTHOUGH POSITIONS ARE CLOSER. IT SEEMS THAT AN
ORGANIZATION WHICH WOULD ESTABLISH MANDATORY CONSERVA-
TION MEASURES WOULD BE BROADLY ACCEPTABLE, BUT THERE
IS STILL DISAGREEMENT AS TO WHETHER OTHER MEASURES
ADOPTED BY AN ORGANIZATION INCLUDING ALLOCATION WOULD
BE MANDATORY.
E. CONTINENTAL SHELF. WHAT IS STILL NEEDED IS AN
ELABORATION OF A COMPROMISE ON THE CONTINENTAL SHELF
THAT INCLUDES COASTAL STATE RESOURCE JURISDICTION OVER
AND REVENUE SHARING FROM, PRODUCTION ON THE CONTINENTAL
SHELF WHERE IT EXTENDS BEYOND 200 MILES, ALTHOUGH THERE
ARE ADAMANT POSITIONS BY SOME DELEGATIONS ON BOTH
SIDES OF THE ISSUE; THOSE WHO OPPOSE ANY JURISDICTION
BEYOND 200 MILES, AND SOME BROAD MARGIN STATES WHO OP-
POSE THE CONCEPT OF REVENUE SHARING.
F. BOUNDARIES BETWEEN ADJACENT AND OPPOSITE
COASTAL STATES AND RELATED ISLANDS PROBLEMS. IT IS
INCREASINGLY RECOGNIZED THAT PRECISE RESOLUTION IN
A MULTILATERAL CONVENTION OF THESE ESSENTIALLY BI-
LATERAL ISSUES WILL BE VERY DIFFICULT, THERE IS BOTH
STRONG SUPPORT FOR, AND STRONG OPPOSITION TO, COMPULSORY
DISPUTE SETTLEMENT WHERE THE BOUNDARY LOCATION CANNOT
BE AGREED.
G. ARCHIPELAGOES. IT IS NOT CLEAR WHETHER
AGREEMENT CAN BE REACHED ON AN OBJECTIVE DEFINITION OF
ARCHIPELAGOES AND ON TRANSIT RIGHTS ADEQUATE TO PERMIT
GENERAL ACCEPTANCE OF SPECIAL PROVISIONS FOR ARCHIPEL-

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AGOS.

WE BELIEVE THE CONFERENCE MUST RECOGNIZE THAT IT WILL BE IMPOSSIBLE TO GO FURTHER TO ACCOMMODATE EXTREME TERRITORIALISTS AND EXTREME STRIATS IF THE TREATY IS TO BE WIDELY ACCEPTABLE

WHAT MOST STATES WANT MOST OUT OF THE COMMITTEE II NEGOTIATION IS REFLECTED IN TEXTS THAT APPEAR TO HAVE WIDESPREAD SUPPORT. WHAT IS NOW UNRESOLVED ARE SPECIAL PROBLEMS OF CONSIDERABLE IMPORTANCE TO SOME STATES ON WHICH A BALANCE REMAINS TO BE DOUN. THE CUMULATIVE TOTAL OF STATES CONCERNED WITH THESE SPECIAL PROBLEMS INVOLVES A SUBSTANTIAL NUMBER; THUS IT WILL BE NECESSARY TO RESOLVE MOST OF THEM, INCLUDING THE STATUS OF THE ECONOMIC ZONE, TUNA, AND THE CONTINENTAL MARGIN AND THE QUESTION OF LANDLOCKED GDS CONCERNS.

NO STATE IS LIKELY TO BE FULLY SATISFIED BY THE SINGLE TEXT PREPAARED BY THE BUREAU. IF AT THE NEXT SESSION, STATES WILL ACCEPT THE SINGLE TEXT PREPARED BY THE BUREAU AS A BASIS FOR NEGOTIATIONS ADN PRESS FOR CHANGES OF CONCERN TO THEM, THERE ARE REASONABLE PROSPECTS OF SUCCESS.

IF, ON THE OTHER HAND, A COALITION FORMS OF THOSE DIS-SATISFIED THAT SEEKS TO GO BACK TO THE DRAWING BOARDS AND FIND A NEW BASIC TEXT--THE KIND OF MANEUVER THAT HAS ALREADY MANIFESTED ITSELF IN THE GROUP OF 77 ECONOMIC ZONE RECEODENDED TEXT SUBMITTED TO THE CHAIR-MAN OF COMMITTEE II FOR HIS CONSIDERATION--THEN IT IS UNLIKELY THAT A WIDELY ACCEPTABLE TREATY CAN BE PRODUCED.

6. COMMITTEE III. MARINE POLLUTION, SCIENTIFIC RESEARCH;
A. MARINE POLLUTION: THE POLLUTION WORKING GROUP IN THE THIRD COMMITTEE COMPLETED TEXTS ON MONITORING ENVORONMENTAL ASSESSMENT, AND LANDBASED POLLUTION AND MOVED CLOSE TO COMPLETED TEXTS ON OCEAN DUMPING AND CONTINENTAL SHELF POLLUTION. WHILE THESE TEXTS INCLUDE MEANINGFUL OBLIGATIONS TO PROTECT THE ENVIRONMENT, THERE CONTINUES TO BE SOME OPPOSITION TO ACCEPTING SUCH OBLIGATIONS.

ON VESSEL SOURCE POLLUTION, NEGOTIATIONS CONTINUED IN THE EVENSEN GROUP BUT NOT FINAL AGREEMENT WAS REACHED. THERE WAS A TREND HOWEVER, AGAINST ANY COASTAL STATE STANDARD SETTING IN THE ECONOMIC ZONE.

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TOR:101119Z MAY 75

B. MARINE SCIENTIFIC RESEARCH: DURING THIS SESSION THE FOUR MAIN TRENDS DEVELOPED IN CARACAS EVOLVED INTO THREE APPROACHES WHICH THE CHAIRMAN EULIMATELY CONSIDERED IN PRODUCING THE UNIFIED TEXT. THESE THREE DIFFERENT APPROACHES ARE: (1) THE PROPOSAL OF SOME STATES WITHIN THE GROUP OF 77, WHICH PROVIDES THAT ALL SCIENTIFIC RESEARCH IN AREAS UNDER COASTAL STATE JURISDICTION SHALL BE CONDUCTED ONLY WITH THE EXPLICIT CONSENT OF THE COASTAL STATE (L.13, REV.2); (2) A PROPOSAL BY MANY WESTERN EUROPEAN COUNTRIES, WITH AMENDMENTS BY A GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, THAT MARINE SCIENTIFIC RESEARCH CAN BE CONDUCTED IF A LIST OF INTERNATIONALLY AGREED OBLIGATIONS ARE FULFILLED, SUBJECT TO DISPUTE SETTLEMENT PROCEDURES (L.28, AND AMENDMENT TO L.19); AND (3) THE SOVIET PROPOSAL, LATER DRAWN UPON BY MEXICO AND OTHERS, WHICH DISTINGUISHES BETWEEN RESEARCH CONCERNING RESOURCES AND NON-RESOURCE RELATED RESEARCH, REQUIRING CONSENT FOR RESOURCE-RELATED RESEARCH AND COMPLIANCE WITH INTERNATIONALLY AGREED OBLIGATIONS FOR RESEARCH NOT CONCERNED WITH RESECUVES (L.26 AND L.29). THE INFORMAL SESSIONS OF COMMITTEE III WERE DEVOTED MOSTLY TO THE QUESTION OF THE LEGAL STATUS OF SCIENTIFIC INSTALLATIONS AND STATE LIABILITY FOR DAMAGE CAUSED BY SCIENTIFIC RESEARCH. MEANWHILE AN INFORMAL NEGOTIATING GROUP, UNDER THE CHAIRMANSHIP OF CORNELL METTERNICH OF THE FEDERAL REPUBLIC OF GERMANY, ATTEMPTED TO INITIATE NEGOTIATIONS ON THE MAJOR ISSUES OF MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE AND IN THE INTERNATIONAL AREA. THESE EFFORTS FOCUSED MAINLY ON RESEARCH IN THE ECONOMIC ZONE, AND WERE HAMPERED BY LIMITED ATTENDENCE. THE PRIVATE NEGOTIATIONS AND NEW PROPOSALS FORMALLY INTRODUCED IN COMMITTEE III LED TO SOME NARROWING OF THE NEGOTIATING ALTERNATIVES.

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R 100835Z MAY 75

FM USMISSION GENEVA

TO RUEHC/SECSTATE WASHDC 2799

INFO RUEHDT/USMISSION USUN NEW YORK 1678

RUEHIA/USIA WASHDC 1493

BT

UNCLAS SECTION 4 OF 4 GENEVA 3399

7. SETTLEMENT OF DISPUTES:

ALTHOUGH THERE WERE SOME MEMBERS OF THE WORKING GROUP ON DISPUTE SETTLEMENT WHO OPPOSED ANY BINDING DISPUTE SETTLEMENT PROCEDURES IN AREAS OF NATIONAL JURISDICTION (E.G., ECONOMIC ZONE), THE CONCEPT WAS SUPPORTED BY A MAJORITY OF THE MORE THAN 60 PARTICIPATING COUNTRIES, AT LEAST FOR SOME IMPORTANT ASPECTS OF THE CONVENTION SUCH AS NAVIGATION. THE QUESTION OF THE RELATIONSHIP BETWEEN THE EXERCISE OF COASTAL STATE RESOURCE JURISDICTION AND THE ACCEPTANCE OF DISPUTE SETTLEMENT PROCEDURES IS A PARTICULARLY IMPORTANT AND DELICATE PROBLEM. IT REMAINS UNCLEAR WHETHER THERE WILL BE A COMPREHENSIVE DISPUTE SETTLEMENT MECHANISM OR WHETHER, AS SOME DELEGATIONS PREFER, EACH ISSUE WILL BE DEALT WITH SEPARATELY. IT ALSO REMAINS UNCLEAR WHETHER THE MECHANISM FOR RESOLVING DISPUTES WOULD BE THE INTERNATIONAL COURT OF JUSTICE, AN ARBITRAL BODY, OR A NEW LAW OF THE SEA TRIBUNAL. A PROPOSAL FORWARDED BY THE GROUP SETS FORTH A PROCEDURE WHICH PERMITS STATES TO ELECT TO ACCEPT ONE OR MORE OF THESE ALTERNATIVES. THERE IS GENERAL SUPPORT FOR SPECIAL DISPUTE SETTLEMENT MACHINERY FOR THE DEEP SEABEDS. END SUMMARY. ABRAMS

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FM AMEMBASSY YAOUNDE
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INFO RUFHGV/USMISSION GENEVA IMMEDIATE 280
RUTAIJ/AMEMBASSY ABIDJAN 2006
RUFNCX/AMEMBASSY LIBREVILLE 1307
BT

C O N F I D E N T I A L YAOUNDE 1613
GENEVA FOR LOS DELEGATION
E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOSI COMMITTEE I NEGOTIATING TEXT
REF: GENEVA 3410 (NOTAL)

Geneva

Comm. I ✓

Cameroon ✓

122

1. REFTEL FROM LOS DEL MENTIONED THAT AFTER ITS RETURN TO WASHINGTON, IT HOPED TO ASK AMBASSADOR TO MAKE APPROACH TO PRESIDENT AHIDJO STRESSING PAUL ENGO'S CENTRAL ROLE IN FIRST COMMITTEE AND SOLICITING GURC SUPPORT FOR ENGO TO CONDUCT INTERSESSIONAL MEETINGS.

2. WISH POINT OUT THAT AHIDJO AND GURC GOING THROUGH BUSY PERIOD INTERNALLY AND AHIDJO FREQUENTLY SPENDS EXTENDED PERIODS AWAY FROM YAOUNDE. HE MIGHT CONSIDER IT IMPOSITION FOR AUDIENCE TO BE REQUESTED TO DISCUSS DIRECTLY WITH HIM WHAT LIKELY SEEM TO HIM ESSENTIALLY PROCEDURAL MATTER ON SUBJECT WHOSE IMPORTANCE LOOMS LESS LARGE IN CAMEROON THAN IN U.S. AND ELSEWHERE. ENGO'S STANDING IN CAMEROON NOT RPT NOT ESPECIALLY HIGH WHERE HE ESSENTIALLY "RELEGATED" TO HANDLING LOS ISSUES WHILE COMPLETELY LEFT OUT OF FLOW OF "IMPORTANT WORK" AT FONMIN.

3. IT WOULD NORMALLY BE MORE APPROPRIATE TO TAKE THIS KIND OF ISSUE UP AT LEVEL BELOW AHIDJO, I.E., AT MOST WITH MINISTER OF STATE SECRETARY GENERAL AT PRESIDENCY PAUL BIYA. HOWEVER, FORTUNATELY, WE HAVE JUST BEEN INFORMED THAT PRESIDENT AHIDJO PLANNING HOST SMALL LUNCH FOR ASSISTANT SECRETARY DAVIS SATURDAY MAY 17. THIS MIGHT PROVIDE OCCASION FOR AMBASSADOR TO BRING MATTER DIRECTLY TO PRESIDENT'S ATTENTION. IF DEPARTMENT DESIRES APPROACH TO BE MADE TO PRESIDENT ALONG LINES REFTEL, WE WOULD HOPE TO RECEIVE INSTRUCTION PRIOR TO MAY 17 EVENT. MOORE

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Canada

121

R 122124Z MAY 75

FM AMEMBASSY OTTAWA

TO RUEHC/SECSTATE WASHDC 6412

INFO ZEN/AMCONSUL HALIFAX

BT

UNCLAS OTTAWA 1768

E.O. 11652: N/A

TAGS: EFIS ICNAF CA

SUBJECT: FISHING: JUNE ICNAF CONFERENCE

1. DURING COMMONS QUESTION PERIOD OF MAY 9, MP MARSHALL (P.C., NEWFOUNDLAND) DIRECTED THE FOLLOWING TO FISHERIES MINISTER LEBLANC: "THE MINISTER INDICATED AT THE LAW OF THE SEA CONFERENCE THAT HE WAS REQUESTING NATIONS TO CUT THEIR QUOTAS BY 40 PER CENT, I WONDER IF THE MINISTER OBTAINED THAT AGREEMENT; ALSO CAN HE TELL THE HOUSE WHAT ACTION HE TOOK TO DISCUSS THE REDUCTION OF QUOTAS WITH CERTAIN NATIONS AND IF HE IS GOING TO SHOW LEADERSHIP IN THE SO-CALLED ICNAF COUNCIL AND DISCUSS THIS MATTER."

2. MINISTER LEBLANC RESPONDED: "WHAT I SAID AT GENEVA WAS WHAT WILL BE PROPOSED TO THE ICNAF MEETING NEXT JUNE IN EDINBURGH, WHICH IS THAT FOREIGN FLEETS, BUT NOT THOSE OF CANADA, SHOULD REDUCE THEIR EFFORT BY 40 PER CENT. WE WILL GO TO THIS CONFERENCE WITH A VERY CLEAR POSITION ON THIS ISSUE. I TALKED TO SOME OF THE KEY DELEGATIONS AT GENEVA ABOUT THIS VERY QUESTION AND ASKED FOR THEIR UNDERSTANDING, I MADE IT VERY CLEAR THAT IF WE ARE ASKED TO BE PATIENT, AT LEAST ICNAF WILL BE AN AREA WHERE WE WILL SEE SOME REAL PROGRESS." PORTER

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France ✓
USSR ✓
Iraq ✓

R 120741Z MAY 75
FM USMISSION GENEVA
TO SECSTATE WASHDC 2825
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UNCLAS GENEVA 3416
EO 116521 N/A

TAGS: PLOS

SUBJ: REPORT ON GENERAL COMMITTEE AND PLENARY COMMITTEE
FROM US DEL LOS

FOR: D/LOS - PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT USMISSION
GENEVA, USDEL MTN GENEVA, AND USDEL SALT II GENEVA

1. SUMMARY: GENERAL COMMITTEE RECOMMENDATION WAS ADOPTED BY
PLENARY COMMITTEE THAT FOURTH SESSION OF LOS CONFERENCE BE HELD
IN NEW YORK FOR EIGHT WEEKS COMMENCING MARCH 29, 1976. END
SUMMARY.

2. GENERAL COMMITTEE: FOLLOWING PROPOSALS WERE RECOMMENDED: (A)
THAT FOURTH SESSION OF LOS CONFERENCE BE HELD IN NEW YORK FOR
EIGHT WEEKS COMMENCING 29 MARCH 1976; (B) THAT THE DECISION RE-
GARDING SUBSEQUENT SESSIONS BE LEFT FOR THE DETERMINATION BY LOS
CONFERENCE; (C) THAT GENERAL ASSEMBLY BE REQUESTED TO PROVIDE
FOR A FIFTH SESSION IN 1976 IF NECESSARY; (D) THAT THE GENERAL
ASSEMBLY REQUEST THE SECRETARY-GENERAL TO GIVE HIGHEST PRIORITY
TO THE CONFERENCE IN PROVIDING CONFERENCE FACILITIES.

3. COMMENT ON GENERAL COMMITTEE: AMERASINGHE GAVELED THROUGH
ABOVE DECISIONS AFTER FAIRLY LENGTHY DEBATE WITH FRANCE, USSR,
IRAQ AND SOME OTHERS OBJECTING TO ANY SUGGESTION THAT CONFERENCE
HAD TO COMPLETE ITS WORK IN 1976. AMERASINGHE'S ORIGINAL IDEA,
WHICH IS NOT YET ABANDONED DESPITE GENERAL COMMITTEE ACTION, WAS
TO HAVE ONE NEGOTIATING SESSION AND THEN ANOTHER VOTING SESSION
IN 1976 FOLLOWED BY SIGNING SESSION IN CARACAS. ZULETA, UNDER
SECRETARY GENERAL FOR THE CONFERENCE, STATED THAT PERIOD JUNE 26
TO AUGUST 30 IN NEW YORK WAS AVAILABLE FOR THE CONFERENCE.

4. PLENARY COMMITTEE: LAST MEETING OF GENEVA SESSION OF LOS
CONFERENCE HELD ON MAY 9. REPORT OF CREDENTIALS COMMITTEE ACCEP-
TED WITHOUT DISCUSSION. RECOMMENDATIONS OF GENERAL COMMITTEE RE-
GARDING TIME, VENUE AND DURATION OF NEXT SESSION ADOPTED WITH AD-
DITION OF REQUEST FOR GA TO GIVE LOS CONFERENCE HIGHEST PRIORITY
FOR USE OF FACILITIES. CONFERENCE PRESIDENT AMERASINGHE APPEALED
FOR INTER-GROUP AS WELL AS INTRA-GROUP CONSULTATIONS. SECRETAR-
IAT INDICATED THAT UN WOULD BE ABLE TO PROVIDE INTER-SESSIONAL

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TOR:121155Z MAY 75

ADMINISTRATIVE SUPPORT. "SINGLE NEGOTIATING TEXT" PREPARED BY CHAIRMEN OF THREE MAIN COMMITTEES WAS SAID TO MARK TURNING POINT IN CONFERENCE AS PROCEDURAL DEVICE TO PROVIDE BASIS FOR NEGOTIATION.

5. UNILATERAL ACTION: AMERASINGHE MADE PERSONAL APPEAL ON BASIS OF REQUEST FROM GROUP OF 77 TO EXPRESS GRAVE CONCERN OVER CERTAIN PRONOUNCEMENTS TO EFFECT THAT IF TREATY IS NOT CONCLUDED, THEN THERE WOULD BE UNILATERAL ACTION REGARDING THE EXPLORATION AND EXPLOITATION OF THE DEEP SEABED. WHILE AMERASINGHE DID NOT FEEL CONFERENCE HAD GIVEN ITSELF ALL THE TIME NEEDED TO COMPLETE NEGOTIATION, HE SAW NO JUSTIFICATION FOR UNILATERAL ACTION. HE MADE "FERVENT APPEAL" TO ALL STATES TO REFRAIN FROM UNILATERAL ACTION IN THE DEEP SEABED THAT WOULD JEOPARDIZE CONCLUSION OF TREATY AND STATED THERE WAS "TOO MUCH AT STAKE TO ACT PRECIPITOUSLY." AMERASINGHE THEN READ LETTER FROM CHAIRMAN OF LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED STATES GROUP WHICH ALSO APPEALED TO STATES NOT TO TAKE UNILATERAL ACTION REGARDING MARITIME AREAS BEYOND 12 MILES. STATEMENT BY PRESIDENT OF UNEP WAS READ INTO RECORD. 150

6. AMANDMENTS TO SINGLE TEXT: CHILE ASKED IF SECRETARIAT COULD CIRCULATE COMMENTS OR AMENDMENTS TO SINGLE TEXT IF THESE GOVERNMENTAL VIEWS WERE SUBMITTED TO U.S. U.S. EXPRESSED CONCERN ABOUT PROLIFERATION OF INDIVIDUAL STATE AMENDMENTS RATHER THAN COMMON AMENDMENTS. AFTER LEARNING OF UNPLANNED COSTS INVOLVED, AMERASINGHE RULED THAT GOVERNMENTS WOULD HAVE TO COMMUNICATE THEIR COMMENTS DIRECTLY TO OTHER GOVERNMENTS. ABRAMS

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R 121620Z MAY 75

FM AMCONSUL HALIFAX

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INFO RUEHOT/AMEMBASSY OTTAWA 300

RUDKPNQ/AMEMBASSY COPENHAGEN 7

BT

UNCLAS HALIFAX 150

EO 11652 NA

TAGS EFIS CA

SUBJ FISHERIES MINISTER ARGUES IN FAVOR OF CATCH REDUCTION
REF: CONGEN TEL 142, MAY 6, 1975

1, DURING COURSE OF AN INTERVIEW ON MAY 9 IN HALIFAX,
FEDERAL FISHERIES MINISTER ROMEO LE BLANC IS REPORTED AS
STATING THAT A SERIOUS REDUCTION IN THE CATCHES OF
FOREIGN FISHING FLEETS IN THE NORTH ATLANTIC WOULD
BRING ABOUT A PARTIAL EASING IN THE CRISIS FACING
CANADAS FISHING INDUSTRY, (THE MINISTER WAS PRE-
SUMABLY REFERRING TO THE NORTH WEST ATLANTIC OFF
CANADAS EAST COAST.2 HE SAID CANADA HAS THE
SCIENTIFIC EVIDENCE NEEDED TO ARGUE FOR A 40 PERCENT
REDUCTION IN THE FOREIGN FISH CATCH. CANADIAN
ARGUMENTS WILL BE PLACED BEFORE THE INTERNATIONAL
COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES
(ICNAF) NEXT MONTH IN SCOTLAND.

2, LE BLANC SAID THAT ALTHOUGH ARGUING FOR A REDUCTION
IN THE FOREIGN FISH CATCH, CANADA WOULD ASK THAT CANADA
BE EXEMPTED. AT PRESENT HE SAID CATCHES OF CANADIAN
FISHERMEN ARE DOWN AND THE FISHERY IS IN VERY BAD
SHAPE,

3, ALTHOUGH HE HAS NOT SEEN THE FINISHED NEGOTIATING
TEXTS OF RECENT LAW OF SEA CONFERENCE IN GENEVA, LE BLANC
SAID FROM LIMITED INFORMATION AVAILABLE TO HIM, THEY
SEEM TO BE GOOD NEWS FOR CANADA. OFFICIAL COMMENT
WILL BE WITHHELD UNTIL CAREFUL STUDY HAS BEEN GIVEN
TO ALL ASPECTS OF THE CONFERENCE. LE BLANC SAID THAT
THE POSSIBILITY OF A UNILATERAL DECLARATION OF A 200 MILE
LIMIT REMAINS AN OPTION FOR CANADA BUT ADMITTED
THAT UNILATERAL ACTION WOULD NOT BE AN EASY TASK IN
VIEW OF PROBLEMS OF SURVEILLANCE,

4, LE BLANC SAID THAT CANADA IS NOT USING THESE
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UNILATERAL ACTION ON THE 200 MILE MANAGEMENT ZONE
TO OBTAIN ICNAF AGREEMENT ON A 40 PERCENT REDUCTION IN
FOREIGN CATCHES. EVEN IF THERE HAD BEEN NO LAW OF THE
SEA CONFERENCE, CANADA WOULD HAVE BEEN PUSHING FOR
REDUCTION IN CATCHES.

5, LE BLANC SAID THAT CANADIAN OFFICIALS HAVE BEEN
TALKING WITH ICNAF REPRESENTATIVES IN THE HOPE OF
CONVINCING THEM OF NEED FOR A CATCH REDUCTION. HE
SAID THAT MATTER WILL BE DISCUSSED AT ICNAF SCIENTIFIC
DISCUSSIONS NEXT MONTH BUT ANY AGREEMENT ON CANADA'S
REQUEST WILL COME LATER IN THE YEAR.

6, LE BLANC SAID THAT IF 200 MILE MANAGEMENT ZONE
OBTAINED WOULD NOT BE AN AUTOMATIC CURE-ALL FOR
CANADA'S FISHING INDUSTRY AS THERE WOULD BE A TIME LAG BEFORE
STOCKS ARE REPLENISHED AND FISHING FLEETS REVITALIZED.
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2. DE LACHERIERRE OPENED THE CONVERSATION WITH A LENGTHY ATTACK ON INTERNATIONAL ORGANIZATIONS IN GENERAL AND IN PARTICULAR THE ATTEMPT TO ESTABLISH QTE A GLOBAL PARLIAMENT UNQTE FOR THE DEEP SEABED IN CI, THE KEY POINT OF HIS STATEMENT WAS THAT EVEN IF IT WERE POSSIBLE TO OBTAIN A SATISFACTORY TREATY IN CI, IT WOULD BE VIOLATED BY THE DEVELOPING COUNTRIES IN PRACTICE AND, THEREFORE, IT WOULD BE IMPOSSIBLE TO PROTECT THE INTERESTS OF THE US AND FRENCH NO MATTER WHAT THE TREATY SAID. HE WENT ON TO INDICATE THAT IN HIS VIEW THE BETTER APPROACH TO THE LOS WOULD BE TO NEGOTIATE LIMITED MEMBERSHIP TREATIES WITH LIKE-MINDED STATES CONCERNING ALL ISSUES IN THE LOS BUT HE SPECIFICALLY MENTIONED FISHERIES AND THE DEEP SEABED. HE DESCRIBED THESE LIMITED MEMBERSHIP TREATIES AS BEING SIMILAR TO THE FRENCH CONCEPT FOR A NEW ANTARTIC RESOURCE TREATY, THAT CONCEPT AS HE DESCRIBED IT WOULD BE THAT LIKE-MINDED STATES WOULD AGREE ON THE LEGAL REGIME AND MACHINERY FOR IMPLEMENTATION BUT OPEN BOTH THE TREATY AND THE RESOURCES TO ANY COUNTRY WHICH ACCDED TO THE TREATY. HIS KEY POINT WAS THAT THE LIKE-MINDED STATES WOULD SET UP THE RULES OF THE GAME AND OTHERS COULD JOIN IF THEY WANTED TO PLAY BY

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THOSE RULES. IN RESPECT TO ANTARTICA HE SPECIFICALLY SAID THAT THE ORIGINAL MEMBER STATES WOULD HAVE FREE ACCESS TO ALL AREAS OF ANTARTICA INCLUDING THE TERRITORIAL CLAIMS OF OTHERS, HE DID NOT SAY WHETHER HIS GENERAL VIEWS WOULD BE THE SAME ON ACCESS TO THE RESOURCES IN ANTARTICA FOR STATES WHICH LATER ACCEDED TO THE NEW ANTARTIC RESOURCES TREATY.

3. DE LACHERIERRE SUGGESTED THAT AN APPROACH LIKE THIS IN THE DEEP SEABED MIGHT BE WORTH PURSUING AND WONDERED IF PERHAPS THE FIRST STEP MIGHT NOT BE TO DISCUSS THE MATTER AT THE GROUP OF FIVE MEETING SCHEDULED FOR TOKYO IN JULY, WITH A VIEW TOWARD INITIATING DISCUSSIONS IN THE OECD, HE SAID THAT AT FIRST IT COULD BE A GENERAL REVIEW OF LOS AND PERHAPS OUT OF SUCH DISCUSSIONS COULD EMERGE A PRE-PLANNED US/FRENCH APPROACH ALONG THE LINES DESCRIBED ON HOW SUCH OECD TALKS WOULD BE FOLLOWED UP, FOR EXAMPLE, WITH RESPECT TO FISHERIES, HE SAID THESE APPROACHES MIGHT THEN BE EXAMINED IN ICNAF AND WITH RESPECT TO DEEP SEABEDS. IT MIGHT BE NECESSARY TO ESTABLISH A SUI GENERIS GROUP WHICH WOULD INCLUDE THE SOVIET UNION. HE ALSO STATED THAT WHILE FRENCH POLICY WAS SOMEWHAT COOL TOWARD THE ATLANTIC ALLIANCE, THE FRENCH WERE STEADY SUPPORTERS OF OECD ACTIVITY.

4. THROUGHOUT THE CONVERSATION IT WAS CLEAR, AT TIMES EXPLICIT AND OTHER TIMES IMPLICIT, THAT DELACHERIERRE WAS PUTTING HIS IDEAS FORWARD AS A POSSIBLE ALTERNATIVE TO US UNILATERAL LEGISLATION IN BOTH FISHERIES AND DEEP SEABED MATTERS, BUT WITH GREATEST EMPHASIS ON THE DEEP SEABED. HE WONDERED WHETHER IF SUCH AN APPROACH WERE BEING PURSUED IT WOULD NOT ADEQUATELY PROTECT US INTERESTS IN THE DEEP SEABED AND AT THE SAME TIME PROTECT US PUBLIC IMAGE FROM CRITICISM IF UNILATERAL APPROACH WERE ADOPTED.

5. RATINER REPLIED THAT HE WOULD FULLY REPORT DE LACHERIERRE'S VIEWS TO THIS DEL. HE INDICATED THAT IT WAS UNLIKELY IN THE DEEP SEABED AREA THAT THE US WOULD ACT PRECIPITOUSLY ALTHOUGH CONGRESS WAS LITTLE LESS PREDICTABLE THAN THE EXECUTIVE BRANCH. HE DID NOT ENCOURAGE OR DISCOURAGE AN OECD STUDY

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PAGE 03-03

NC 60096

TOR:121352Z MAY 75

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PENDING FURTHER GUIDANCE FROM HIS DEL AND INDICATED THAT IT MIGHT BE APPROPRIATE FOR THE FRENCH TO INDICATE THEIR VIEWS TO THE GROUP OF FIVE AT THE HEADS OF DEL MEETING IN TOKYO IN JULY. IF THIS WERE DONE THE US COULD THEN USE THE INTERVENING PERIOD TO CONSIDER THE FRENCH APPROACH. RATINER QUERIED WHETHER DELACHERIERRE WAS THINKING OF A SUBSTITUTE APPROACH TO THE LOS CONFERENCE OR A CONTINGENCY COMPANION APPROACH. DE LACHERIERRE SAID QTE FOR THE TIME BEING UNQTE THIS COULD BE THOUGHT OF AS A COMPANION TO THE LOS CONFERENCE WHICH WE, THE FRENCH, WOULD OF COURSE CONTINUE TO ATTEND AND WOULD NEGOTIATE IN GOOD FAITH. RATINER QUERIED WHETHER DE LACHERIERRE'S VIEWS PARTICULARLY WITH REGARD TO THE TAKING OF AN INITIATIVE IN THE OECD. REPRESENTED FRENCH GOVERNMENT POLICY. DE LACHERIERRE REPLIED THAT IT WAS HIS INTENTION TO SEEK THE APPROVAL OF THE FRENCH GOVT FOR AN APPROACH ALONG THESE LINES AFTER HIS RETURN TO PARIS. 6. IT WAS CLEAR AT THE END OF THIS CONVERSATION THAT NEXT MOVE IS IN PARIS BUT US MIGHT EXPECT SIMILAR APPROACH AT HEADS OF DEL MEETING OF GROUP OF FIVE AND SHOULD BE PREPARED TO RESPOND. ABRAMS

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EIA219

PAGE 01

NC 58641

TOR:091558Z MAY 75

Geneva

Comm. I, II, & III

U.S.

O R 091430Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2772
INFO RUEHDT/USMISSION USUN NY 1671
BT

UNCLAS SECTION 1 OF 2 GENEVA 3371
D/LOS PASS DEPT PRESS OFFICE
USIA FOR IPS AND IBS
FROM USDEL LOS
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: PRESS STATEMENT BY AMB. STEVENSON

FOLLOWING IS TEXT OF STATEMENT BY AMB. STEVENSON ON WORK
OF GENEVA SESSION OF LAW OF SEA CONFERENCE TO BE RELEASED AT
4 PM, MAY 9. HIGHLIGHTS OF Q&A AT PRESS CONFERENCE WILL BE
CABLED SEPARATELY. USIS WILL TAPE SESSION. BEGIN TEXT.

MANY EXPERIENCED DIPLOMATS WOULD AGREE THAT THE LAW OF
THE SEA CONFERENCE IS THE MOST IMPORTANT AND COMPLEX GLOBAL
NEGOTIATION TO TAKE PLACE SINCE THE FOUNDING OF THE UNITED
NATIONS, HOWEVER, ITS IMPORTANCE TO THE PUBLIC AT LARGE IS
FREQUENTLY OBSCURED BY THE COMPLEXITY OF THE ISSUES. INDEED,
THE RESPONSE OF STATES TO THE EVENTS OF THE LAST EIGHT WEEKS
HERE MAY WELL MAKE A PROFOUND IMPACT ON THE FUTURE OF THE
OCEANS AND MAN'S ABILITY TO USE THEM PEACEFULLY.
THE ULTIMATE SUCCESS OR FAILURE WILL INFLUENCE THE
VIEWS OF THOUGHTFUL MEN EVERYWHERE ON THE VERY
CAPACITY OF THE ORGANIZED INTERNATIONAL COMMUNITY
TO DEAL WITH PROBLEMS ON A GLOBAL SCALE IN MORE THAN
GENERAL AND NON-BINDING TERMS.

AT THE END OF THE CARACAS SESSION OF THE LAW
OF THE SEA CONFERENCE LAST AUGUST, I REPORTED THAT
WHILE THE GENERAL OUTLINES OF THE LAW OF THE SEA
TREATY HAD EMERGED, WHAT WAS MISSING WAS THE WILL TO
NEGOTIATE, TO MAKE THE ACCOMMODATIONS NECESSARY TO
ACHIEVE SPECIFIC AGREEMENTS.

OBVIOUSLY WE HAVE NOT REACHED THE STAGE OF ANY
FINAL AGREEMENT IN GENEVA, IF I MIGHT SUMMARIZE THE
SITUATION AS IT NOW APPEARS, I WOULD SAY THAT THERE
HAVE BEEN TWO CONCRETE RESULTS, FIRST, THERE HAS
BEEN PROGRESS, AND IN SOME CASES SUBSTANTIAL PROGRESS

1+2
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PAGE 02

NC 58641

TOR1091558Z MAY 75

ON FILLING IN WITH SPECIFIC ARTICLES THE OUTLINES OF A TREATY, PARTICULARLY WITH RESPECT TO THE DUTIES IN A 200 MILE ECONOMIC ZONE IN WHICH THE COASTAL STATES WOULD CONTROL BOTH COASTAL FISHERIES AND NON-LIVING RESOURCES, ON OTHER SUBJECTS THE DISCUSSIONS AND NEGOTIATIONS WERE NOT AS FOCUSED ON THE ESSENTIAL ELEMENTS OF AGREEMENT AS THEY MIGHT HAVE BEEN, BUT THERE WAS NO GENERAL DEBATE, AND BECAUSE MOST OF THE MEETINGS WERE INFORMAL THERE WAS FAR LESS TALKING FOR THE RECORD THAN AT THE CARACAS SESSION.

A SECOND RESULT HAS BEEN A PROCEDURAL ONE, AND THAT IS THE SINGLE TEXTS OF TREATY ARTICLES ON VIRTUALLY ALL SUBJECTS WITH WHICH THE CONFERENCE IS DEALING THAT WERE DISTRIBUTED TODAY.

I SAY THAT THE TEXTS ARE AN IMPORTANT PROCEDURAL RESULT, BECAUSE EARLY IN THE SESSION IT BECAME EVIDENT THAT ONE OF THE THINGS THAT WAS SLOWING THE PROCESS OF NEGOTIATION WAS THE LACK OF A SINGLE TEXT WITH WHICH TO WORK IN EACH OF THE MAIN COMMITTEES, IN COMMITTEE II WE WERE, AS YOU KNOW, WORKING WITH THE MAIN TRENDS PAPER PREPARED IN CARACAS WHICH INCLUDED A NUMBER OF ALTERNATIVES OF ALL KEY ISSUES, THE SINGLE TEXT, AS THE PRESIDENT OF THE CONFERENCE EMPHASIZED WHEN HE REQUESTED THAT THE COMMITTEE CHAIRMEN PRODUCE SUCH A TEXT ON THEIR INDIVIDUAL RESPONSIBILITY, IS NOT A NEGOTIATED OR CONSENSUS TEXT. IT IS A TEXT INTENDED FOR USE AS THE BASIS FOR FUTURE NEGOTIATIONS, AND WHICH OF COURSE WILL BE REVISED AND AMENDED TO REFLECT THE AGREEMENTS AND ACCOMMODATIONS THAT WE HOPE WILL BE POSSIBLE AT THE NEXT SESSION. NEVERTHELESS, SOME IMPORTANT ASPECTS OF THE TEXT ARE IN FACT A REFLECTION OF THE LATEST STAGE REACHED IN SOME VERY PRODUCTIVE NEGOTIATIONS.

AS YOU KNOW, THIS DOCUMENT IS A LENGTHY ONE AND WAS DISTRIBUTED ONLY THIS MORNING, SO I CANNOT COMMENT ON IT AT THIS TIME, OTHER THAN TO WELCOME ITS APPEARANCE AS A DEVICE WHICH MAY SERVE TO SPEED THE NEGOTIATIONS ALONG.

WHILE THE SINGLE TEXT IS ONE VISIBLE RESULT OF

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PAGE 03

NG 58641

TOR:091558Z MAY 75

THE CONFERENCE, THERE ARE OTHER BASES ON WHICH WE MIGHT ASSESS THE WORK THAT HAS GONE ON HERE.

WE HAVE, AS YOU KNOW, AGREED ON ANOTHER FORMAL SESSION IN APRIL NEXT YEAR WITH PROVISION FOR A SECOND SESSION NEXT SUMMER IF THE CONFERENCE DECIDES THIS IS DESIRABLE, AND ON PROVISION OF CONFERENCE AND INTERPRETATION FACILITIES FOR INFORMAL INTERSESSIONAL WORK, ON SOME IMPORTANT CONTROVERSIAL ISSUES, WE HAVE NEGOTIATED TEXTS THAT COME QUITE CLOSE TO WHAT MIGHT BE GENERALLY ACCEPTABLE, ON A LARGE NUMBER OF TECHNICAL ISSUES SUCH AS BASELINES, INNOCENT PASSAGE IN THE TERRITORIAL SEA AND HIGH SEAS LAW, WE HAVE A LARGE BODY OF NEGOTIATED TEXTS, TOGETHER WITH THE SINGLE TEXTS THESE REPRESENT THE TOOLS WITH WHICH WE CAN PROCEED, WHETHER OR NOT WE DO PROCEED, AND HOW FAST, DEPENDS UPON THE ANSWER TO ONE QUESTION, AND THAT IS, ARE GOVERNMENTS WILLING TO MAKE THE POLITICAL DECISIONS ON A FEW CRITICAL ISSUES WHICH MUST BE RESOLVED TO PERMIT ACCOMMODATIONS OF FUNDAMENTAL INTERESTS? NO AMOUNT OF CONTINUING DISCUSSION WILL AVAL UNLESS, IN THIS INTERIM PERIOD, A NUMBER OF GOVERNMENTS DETERMINE THAT, IN THE INTEREST OF AN OVERALL AGREEMENT, SOME WILLINGNESS TO ACCEPT LESS THAN THEIR VIEW OF THE OPTIMUM POSSIBLE RESULT IS NECESSARY, IT SEEMS TO ME THAT WHETHER WE WISH IT OR NOT, EVENTS MAY OVERTAKE THIS EFFORT AND THE TIME WILL BE PAST IN WHICH A COMPREHENSIVE LAW OF THE SEA AGREEMENT IS POSSIBLE, YET ONE OF THE DIFFICULTIES WE HAVE FACED IN TRYING TO MOVE AHEAD IS THAT MANY DELEGATIONS DO NOT SHARE OUR SENSE OF URGENCY AND OUR CONCERN THAT UNILATERAL ACTIONS MAY OVERTAKE US.

THIS OPPORTUNITY IS NOT YET LOST, AND I FOR ONE WOULD CONTINUE TO URGE PATIENCE AND UNDERSTANDING OF THE ENORMOUS DIFFICULTY AND COMPLEXITY OF THE TASKS WE HAVE UNDERTAKEN. AT THE SAME TIME, I MUST EMPHASIZE THAT FROM THE POINT OF VIEW OF THE UNITED STATES AND OTHER COUNTRIES AT THIS CONFERENCE, CERTAIN FUNDAMENTAL INTERESTS MUST BE ACCOMMODATED, WE ARE PREPARED, AND I THINK THE RECORD OF THE MANY US PROPOSALS

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PAGE 04-02

NC 58641

TOR:091558Z MAY 75

THAT HAVE BEEN MADE IN THE COURSE OF THESE TWO SESSIONS SHOW THAT WE HAVE BEEN PREPARED, TO ACCOMMODATE THE INTERESTS OF OTHER COUNTRIES. BUT AT THE SAME TIME, WE ARE NOT PREPARED TO ABANDON THOSE INTERESTS WHICH WE DEEM VITAL NOT ONLY FOR THE UNITED STATES BUT FOR THE WORLD COMMUNITY AS A WHOLE.

ON SOME VERY IMPORTANT ISSUES WE HAVE ARRIVED AT THE POINT WHERE, IF WE CONTINUE TO MOVE AHEAD, AN AGREED TEXT IS POSSIBLE.

ON THE ECONOMIC ZONE, THE EVENSEN GROUP, AN INFORMAL GROUP OF SOME 40 COUNTRIES MEETING UNDER THE CHAIRMANSHIP OF MINISTER JENS EVENSEN OF NORWAY, HAS MET ALMOST DAILY DURING THIS SESSION AND COMPLETED A TEXT OF ARTICLES ON THE 200 MILES ECONOMIC ZONE, INCLUDING FISHERIES QUESTIONS. THE TEXT ATTEMPTED, AND I THINK IN LARGE MEASURE SUCCEEDED, IN THE ESSENTIAL TASK OF THE ECONOMIC ZONE NEGOTIATION; TO ESTABLISH THE BALANCE OF RIGHTS AND DUTIES OF COASTAL STATES, AND OF ALL OTHER STATES, WHICH HAVE A VITAL INTEREST IN THE MANY USES OF AN AREA WHICH WOULD AMOUNT TO MORE THAN ONE THIRD OF THE WORLD'S OCEANS. NEVERTHELESS WE MUST BEAR IN MIND THAT THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES DO NOT BELIEVE ADEQUATE PROVISION HAS YET BEEN MADE TO PROTECT THEIR INTERESTS.

FISHERIES IS A MATTER OF GREAT CONCERN TO THE UNITED STATES AND TO MANY OTHER NATIONS AT THIS

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PAGE 05

NC 58630

TOR1091557Z MAY 75

O R 091430Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2773
INFO RUEHDT/USUN NEW YORK 1672
BT

UNCLAS SECTION 2 OF 2 GENEVA 3371
CONFERENCE, THE EVENSEN TEXT PROVIDES FOR THE RIGHT
OF THE COASTAL STATE TO MANAGE COASTAL FISH STOCKS IN THE 200 MILE
ECONOMIC ZONE, AND FOR THEIR CONSERVATION AND FULL UTILIZATION
IN A WORLD WHICH HAS GREAT NEED FOR ADDITIONAL FOOD RESOURCES;

MOREOVER THE EVENSEN TEXTS CONTAIN A NEW AND
VERY WELCOME DEVELOPMENT OF GREAT IMPORTANCE TO OUR
ENVIRONMENTALISTS AND FISHERMEN: RECOGNITION OF
THE SPECIAL INTERESTS OF THE STATE OF ORIGIN IN
ANADROMOUS FISH SUCH AS SALMON THAT SPAWN IN OUR
STREAMS. NO AGREEMENT, HOWEVER, WAS REACHED ON THE
TREATMENT IN THE ECONOMIC ZONE OF HIGHLY MIGRATORY
FISH SUCH AS TUNA.

THE ECONOMIC ZONE IS ONE PART, ALTHOUGH CLEARLY
A CRITICAL PART, OF A COMMITTEE II PACKAGE OF ISSUES
WHICH INCLUDES ALSO THE RESOLUTION OF THE QUESTION
OF A TERRITORIAL SEA AND UNIMPEDED PASSAGE THROUGH
STRAITS USED FOR INTERNATIONAL NAVIGATION. THERE IS
A CLEAR CONSENSUS IN THIS CONFERENCE FOR A 12-MILE
TERRITORIAL SEA, AND GROWING PERCEPTION OF THE IM-
PORTANCE TO THE WORLD COMMUNITY OF FULLY GUARANTEEING
UNIMPEDED TRANSMIT FOR SHIPS AND AIRCRAFT IN
STRAITS USED FOR INTERNATIONAL NAVIGATION.

I SPOKE TO SOME OF YOU A WEEK OR TWO AGO ON
TH ISSUE OF THE CONTINENTAL MARGIN AT WHICH TIME I
SAID I BELIEVED A COMPROMISE COULD BE WORKED OUT
WHICH WOULD COUPLE COASTAL STATE JURISDICTION OVER
THE CONTINENTAL MARGIN IN THOSE AREAS WHERE IT EX-
TENDS BEYOND 200 MILES, WITH REVENUE SHARING ON
PRODUCTION IN THAT AREA BEYOND 200 MILES. BY WAY OF
ILLUSTRATION, WE HAVE PRESENTED A SPECIFIC IDEA
WITH RESPECT TO REVENUE SHARING FROM THE CONTINENTAL
MARGIN UNDER COASTAL STATE JURISDICTION BEYOND 200
MILES. AFTER FIVE YEARS OF PRODUCTION AT A SITE,
THE COASTAL STATE OBLIGATION TO SHARE REVENUES WOULD

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PAGE 06

NC 58629

TOR:091557Z MAY 75

BEGIN AT ONE PERCENT OF WELLHEAD VALUE AND INCREASE BY ONE PERCENT PER YEAR UNTIL IT REACHED FIVE PERCENT IN THE TENTH YEAR, AFTER WHICH IT WOULD REMAIN AT FIVE PERCENT. OUR EXPRTS TELL US THAT IF WE ASSUMED A GIVEN FIELD WOULD PRODUCE 700 MILLION BARRELS OF OIL THOUGH A 20 YEAR DEPLETION PERIOD, AND A VALUE OF \$11 PER BARRLE, THE TOTAL AMOUNT WOULD BE \$130 MILLION PER FIELD. I SHOULD NOTE THAT THE OIL AND OTHER MINERALS THEMSELVES, AND REVENUES COLLECTED BY THE COASTAL STATE WOULD OF COURSE REMAIN WITH THE COASTAL STATE, THIS PROBLEM WAS DISCUSSED SOMEWHAT LATE IN THE CONFERENCE AND I WOULD HOPE THAT THE DETAILS OF SUCH A COMPROMISE COULD BE WORKED OUT EARLY IN THE NEXT SESSION,

WITH RESPECT TO THE DEEP SEABED, WE WERE ENCOURAGED EARLY IN THE SESSION WITH THAT APPEARED TO BE A SINCERE EFFORT ON THE PART OF MANY STATES TO CREATE A REGIME WHICH WOULD SERVE THE INTERESTS OF THE INTERNATIONAL COMMUNITY WITHOUT OBSTRUCTING, OR SUBJECTING TO POLITICAL JUDGMENTS, THE DEVELOPMENT OF THE MINIERAL RESOURCES, THE INVESTMENT IN THIS TYPE OF PROJECT IS, AS YOU KNOW, AN ENORMOUS ONE, AND, IN A WORLD WHERE WE HAVE ALL FELT THE EFFECTS NOT ONLY OF SCARCITY OF VITAL FAW MATERIALS, BUT OF UNCERTAINTY OF ACCESS TO THEM, NATIONS ARE NOT PRE-J PARED, IN MY UDGMENT, TO SUBJECT THEIR ACCESS TO SEABED MINERALS TO A SYSTEM OF EXPLORATION AND EXPLOITATION AND TO A DECISION-MAKING PROCESS IN WHICH THEY DO NOT HAVE REASONALBE ASSURANCES OF SECURITY OF ACCESS, AND MAY NOT BE ADEQUATELY REPRESENTED. MOREOVER, I DO NOT THINK IT WILL BE POSSIBLE, SEEN AGAINST THE BACKGROUND OF TODAY'S DEVELOPMENTS IN RAW MATERIALS MATTERS, TO AGREE TO GIVE ULTIMATE POWERS OF EXCLUSIVE EXPLOITATION TO A SINGLE NEW INTERNATIONAL ENTITY. THE UNITED STATES HAS BEEN WILLING TO WORK WITH ALL NATIONS OF THE WORLD TO ENSURE THAT A SYSTEM OF EXPLOITATION IS DEvised THAT WILL PERMIT BOTH SHARING IN THE BENEFITS AND FUTURE PARTICIPATION IN THE DEVELOPMENT OF THESE RESOURCES. SO FAR HOWEVER BASIC COMPROMISES ON THIS

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PAGE 07

NC 58639

TOR:091557Z MAY 75

MOST DIFFICULT OF ISSUES HAVE ELUDED ALL OF US,
ALTHOUGH I AM PLEASED TO SAY THAT ON SOME OF THE
IMPORTANT ISSUES PROGRESS HAS BEEN MADE.

ON PROBLEMS OF MARINE POLLUTION WHICH CONCERN
US ALL, I THINK THERE IS A GROWING AGREEMENT THAT
POLLUTION STANDARDS SHOULD BE ESTABLISHED INTERNATIONALLY.
TOGETHER WITH NEW AND EFFECTIVE ENFORCEMENT OF
SUCH AGREED STANDARDS THIS IS THE ONLY WAY IN WHICH
THE PROBLEM OF POLLUTION CAN EFFECTIVELY BE DEALT
WITH.

I AM PARTICULARLY DISMAYED BY CONTINUING ATTEMPTS
TO PLACE RESTRICTIONS ON THE CONDUCT OF MARINE SCIENTIFIC
RESEARCH. KNOWLEDGE OF THE OCEANS IS IMPORTANT
TO ALL OF US. GOOD SCIENCE IS FREE SCIENCE; IT
IS NOT A COMMODITY THAT CAN BE PACKAGED AND PURCHASED
IN PREDETERMINED QUANTITIES. THE CONFERENCE SHOULD
CONCENTRATE ON MEANS TO ENSURE THAT ALL WILL ENJOY
THE FRUITS OF SCIENCE, NOT ON MEANS TO RESTRICT
SCIENCE FOR FEAR IT WILL ONLY BENEFIT THE FEW.

WHAT WE SOMETIMES TEND TO LOSE SIGHT OF IN THE
COURSE OF NEGOTIATIONS, IS THAT WE ARE NOT HERE TO
DECIDE WHAT IS YOURS AND WHAT IS MINE. WE ARE NOT
CONCERNED SOLELY WITH RESOURCES, OR WITH NAVIGATION,
OR WITH SCIENTIFIC RESEARCH, OR WITH POLLUTION, OR
WITH FISHERIES. WHAT THIS AGREEMENT MUST DO, IF IT
IS TO BE EFFECTIVE, IS TO CREATE A BALANCE OF ALL
THESE MULTIPLE USES OF THE OCEANS, SO THAT WHILE
INTERESTS OF COASTAL STATES ARE RECOGNIZED, THE
INTEREST OF ALL IN NAVIGATION AND OTHER NON-RESOURCE
USES OF THE OCEANS, AND IN THEIR PRESERVATION AS
A PRODUCTIVE AND HEALTH ENVIRONMENT IS MAINTAINED.

SUCH A BALANCE OF INTERESTS IS INEVITABLY GOING
TO LEAD TO DISPUTES AS TO THEIR INTERPRETATION, AND
THIS CONFERENCE HAS ALSO DONE SOME NOTABLE WORK IN
THE DRAFTING OF GENERAL ARTICLES, AND ALTERNATIVE
POSSIBILITIES OF MEANS OF BINDING SETTLEMENT OF SUCH
DISPUTES. IN THE US VIEW, BINDING DISPUTE SETTLE-
MENT PROCEDURES WOULD BE A NECESSARY PART OF SUCH
A TREATY. OTHERWISE WE MAY SIMPLY CONVERT DISAGREEMENTS
ABOUT PRINCIPLES INTO DISAGREEMENTS ABOUT INTERPRETATION.

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TOR:091557Z MAY 75

THERE IS SERIOUS DOUBT THAT THIS WOULD
SERVE ANYONE'S INTEREST.

THIS IS A SOMEWHAT LENGTHY ASSESSMENT
OF WHAT HAS TRANSPIRED HERE, UBT IT SEEMS TO ME
IMPORTANT NOT TO LOSE SIGHT OF THE PROGRESS WE HAVE
MADE SIMPLY BECAUSE THESE NEGOTIATIONS HAVE NOT YET
RESULTED IN AGREED TREATY ARTICLES IN ALL AREAS.

IT MAY BE THAT THE REASON THAT MORE FUNDAMENTAL
AGREEMENTS WERE NOT REACHED HERE HAD LESS TO DO WITH
THE WILLINGNESS OF STATES TO MAKE THEM THAN WITH THE
FACT THAT THE PACE OF PROGRESS DID NOT EARLIER LEAD
US TO THE POINT WHERE SUCH AGREEMENTS WERE ESSENTIAL
TO FURTHER PROGRESS, CERTAINLY, IT IS DIFFICULT TO
OVER-ESTIMATE THE DIFFICULTIES INHERENT IN A NEGOTIATION OF
SOME 140 STATES ON MATTERS OF VITAL NATIONAL
INTEREST TO MANY.

I AM HOPEFUL THAT THE COMMON PURPOSE THAT HAS
SUSTAINED THIS DIFFICULT NEGOTIATION THROUGH ITS
EARLY STAGES IS INTACT. THAT PURPOSE IS OUR SHARED
CONVICTION THAT LAW, NOT ANARCHY, WILL BEST SERVE
MAN'S FUTURE IN THE OCEANS. THE REAL PROBLEMS OF
NATIONS AND THEIR CITIZENS THAT MAKE THIS NEGOTIATION
DIFFICULT WILL NOT DISAPPEAR IF WE DO NOT
SUCCEED, THEY WILL GET WORSE. THERE ARE BASIC
DIFFERENCES OF NATIONAL INTEREST AND THE SENSE OF
URGENCY OF RESOLVING OUR OCEANS PROBLEMS, AS WELL
AS BASIC DIFFERENCES OF PERCEPTION IN HOW BEST TO
PROTECT COMMON INTERESTS, BUT NONE, I THINK, WOULD
WILLINGLY CHOOSE THE COURSE OF CHAOS IN WHICH EVEN
GREAT POWER PREVAILS AT GREAT COST. END TEXT ABRAMS

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PAGE 01

NC 59959

TOR1121001Z MAY 75

Geneva

Comm. II ✓ (Fisheries)

Ecuador ✓

Peru ✓

Chile ✓

116

R 120728Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2823
INFO RUESQI/AMEMBASSY QUITO 118
RUESMO/AMEMBASSY MEXICO 663
RUESLM/AMEMBASSY LIMA 302
BT

C O N F I D E N T I A L
LIMITED OFFICIAL USE GENEVA 3414
FROM USDEL LOS
E.O. 11652: N/A

TAGS: PLOS EFIS EC

SUBJECT: LOS: TUNA TALKS WITH ECUADOR

1. BRIEF MEETING WAS HELD ON MAY 8 BETWEEN ECUADOREAN (AMB. VALENCIA, SR. AYALA) AND U.S. DELS (AMB. MOORE, AMB. CLINGAN, POLLOCK AND MARTIN) TO DISCUSS POSSIBILITY OF FURTHER BILATERAL OR REGIONAL CONSULTATIONS TOWARD REACHING COMMON APPROACH TO TUNA IN LOS FORUM AND INTERIM APPLICATION.
2. IT WAS AGREED INFORMAL CONTACTS WE HAVE HAD PRIOR TO AND DURING GENEVA SESSION HAVE BEEN HELPFUL IN PROMOTING UNDERSTANDING OF OUR RESPECTIVE POSITIONS. IT WAS REGRETTED DIVERSE APPROACHES FROM MANY COUNTRIES AND GROUP PREVENTED FINDING COMMON SOLUTION IN EVENSEN GROUP. FURTHER IT WAS AGREED SOME TIME WOULD BE NEEDED TO STUDY SINGLE TEXT PROVISION.
3. AYALA STATED WE SHOULD CONTINUE DISCUSSIONS KEEPING IN MIND GOE POSITION OF COASTAL STATE RIGHT TO CONTROL AND REGULATE HIGHLY MIGRATORY SPECIES (HMS). VALENCIA SUGGESTED IT WOULD BE WORTHWHILE TO HAVE DISCUSSION INCLUDE OTHER INTERESTED STATES OF REGION. HE AGREED TO AMB. MOORE'S SUGGESTION WE SHOULD FIRST CONSIDER COMMON LOS TREATY PROVISION FOR HMS AND THEN CONSIDER WHETHER BASIS EXISTS FOR INTERIM APPLICATION. HIS PREFERENCE WAS FOR GREATER ELABORATION IN THE LOS PROVISION THAN IN THE LAST U.S. NEUTRAL DRAFT ARTICLE.
4. AYALA COMMENTED THAT IN AN INFORMAL REGIONAL CONSULTATIVE GROUP ECUADORIAN REPRESENTATIVES WOULD BE ABLE TO SPEAK FLEXIBLY WHILE AT SAME TIME IN CAPACITY OF GOE OFFICIALS. AYALA RESPONDING TO A QUESTION OF AMB. MOORE RE TIMING OF A REGIONAL MEETING SAID THE UNGA SESSION IN OCTOBER WOULD BE CONVENIENT.
5. IT WAS AGREED THAT THE U.S. SHOULD DISCUSS THIS MATTER WITH OTHER INTERESTED STATES AND ECUADOR WOULD BE DISCUSSING THIS PRO-

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PAGE 02-02

NC 59959

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POSAL WITH PERU AND CHILE. RETURNING TO THE QUESTION OF WHETHER AN LOS ARTICLE SHOULD BE GENERAL OR DETAILED, VALENCIA AND AYALA AGREED THAT THE GENERAL APPROACH HAD ADVANTAGES IF THE STATES OF THE REGION WERE IN PRIOR AGREEMENT AS TO DETAILED PROVISIONS WHICH BE ADOPTED IN THE REGION. FINALLY IT WAS AGREED WE WOULD STAY IN CONTACT ON PLANNING FOR A LATER MEETING.

7. COMMENT: ECUADOREANS CONTINUE TO REACT POSITIVELY TO OUR SUGGESTIONS DESIGNED TO PROMOTE AGREEMENT. THEY HAVE CLEARLY SIGNALLLED THAT REGIONAL APPROACH WOULD ALLOW THEM GREATER FLEXIBILITY THAN WOULD BILATERAL AGREEMENT. NEVERTHELESS, ECUADOR STILL HAS IN MIND GREATER COASTAL STATE CONTROL OVER TUNA WITHIN 200-MILE ZONE THAN ACCEPTABLE. FURTHER, QUESTION WHETHER OTHER STATES CURRENTLY FISHING IN THE REGION UNDER IATTG AGREEMENT WOULD BE INVOLVED IN FUTURE DISCUSSIONS WAS NOT DIRECTLY ADDRESSED. OUR POSITION IS THEY MUST BE INVOLVED IN DISCUSSIONS BUT, TACTICALLY, WE WOULD PREFER TO HAVE MEXICO ARGUE THIS POINT WITH OTHER LATINS IF THEY WILLING TO DO SO. ABRAMS

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PAGE 01

NC 59976

TOR:121041Z MAY 75

Geneva

Comm. II ✓

Turkey ✓

Greece ✓

Iraq ✓

Oman ✓

The Yemens ✓

Morocco ✓

R 120723Z MAY 75

FM USMISSION GENEVA

TO RUEHC/SECSTATE WASHDC 2822

INFO RUQMAT/AMEMBASSY ATHENS 619

RUQMGU/AMEMBASSY ANKARA 871

BT

C O N F I D E N T I A L GENEVA 3413

FROM USDEL LOS

EO: 11652: GDS

TAGS: PLOS

SUBJ: LOS: TURKISH VIEWS

1, AMBASSADOR MOORE AND DEL REP DEROCHE MET ON MAY 8, 1975 FOR OVER ONE-HOUR DISCUSSION OF BROAD-RANGE OF LOS ISSUES WITH AMBASSADOR YOLGA AND FIVE OTHER MEMBERS OF THE TURKISH DELEGATION; TURKEY INDICATED IN DETAIL FULL RANGE OF LOS CONCERNS. AS EXPECTED, AEGEAN DISPUTE WITH GREECE CONTINUES TO DOMINATE THEIR LOS POLICY. TURKEY SEEMS TO UNDERSTAND IMPORTANCE OF RESOLUTION OF THESE ISSUES WITH GREECE PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE AND FOR ITS PART SEEMS TO SEEK OPPORTUNITY FOR BILATERAL RESOLUTION OF DISPUTES. THE FIRST ISSUE RAISED BY TURKEY WAS THE TERRITORIAL SEA EXTENSION AND THE TURKISH PROPOSAL TO MAKE ANY SUCH EXTENSION CONTINGENT UPON AGREEMENT WITH ANY NEIGHBORING STATES. TURKEY CONFIRMED THAT THE PROPOSAL DID NOT ENVISAGE AN EXTENSION BEYOND 12 MILES, AND FLATLY STATED THAT IF GREECE EXTENDED HER TERRITORIAL SEA BEYOND ITS PRESENT LIMITS WITHOUT PRIOR CONSULTATION AND NEGOTIATIONS WITH TURKEY, THE US WOULD BE FACED WITH "ANOTHER CYPRUS SITUATION" OF CONFRONTATION AND POSSIBLE HOSTILITY ELSEWHERE IN THE AEGEAN. AMBASSADOR MOORE RESPONDED THAT THE US'S PRIMARY INTEREST WAS IN ITS TWO FRIENDS AND ALLIES WORKING OUT A MUTUALLY ACCEPTABLE SOLUTION TO THEIR PROBLEM AS SOON AS POSSIBLE AND IF AT ALL POSSIBLE PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE. DESPITE THE FAIRLY INSISTENT TURKISH PRESSURE FOR COMMITMENT OF US SUPPORT (WHICH PRESSURE WAS CONTINUED ON EACH SUBSEQUENT ISSUE RAISED BY THE TURKISH SIDE), THE US SIDE PROMISED TO REPORT THE SUBSTANCE OF THE DISCUSSIONS TO WASHINGTON AND REITERATED THE DESIRABILITY OF THE PARTIES WORKING OUT A MUTUAL SOLUTION PRIOR TO THE NEXT SESSION OF THE LOS CONFERENCE.

2, AMBASSADOR MOORE INQUIRED WHETHER THERE HAD BEEN ANY TALKS BETWEEN GREECE AND TURKEY ON THE TERRITORIAL SEA ISSUE OR WHETHER THERE WAS ANY PROSPECT THAT THIS ITEM MIGHT BE ADDED TO THE AGENDA

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PAGE 02

NC 59976

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OF ANY PROPOSED TALKS ON THE CONTINENTAL SHELF BOUNDARY DISPUTE. TURKEY'S RESPONSE SIGNALLED TURKEY'S WILLINGNESS TO HOLD BILATERAL DISCUSSIONS WITH GREECE ON THIS AND OTHER LOS ISSUES, AND POINTED OUT THAT GREECE HAD TAKEN THE CASE TO THE I.C.J. IN WHAT THEY DESCRIBED AS A FAIRLY PEREMPTORY FASION AND HENCE, FROM TURKEY'S PERSPECTIVE, IT WAS GREECE THAT WAS UNWILLING TO NEGOTIATE. 3, THE TURKS NEXT RAISED THEIR CONCERN THAT THE CONTINENTAL SHELF NOT BE SUBSUMED IN THE ECONOMIC ZONE CONCEPT AND THAT "THE NATURAL PROLONGATION" DOCTRINE SURVIVE IN THE NEW TREATY. WHILE MOST OF THE TURKISH DISCUSSIONS IN COMMITTEE II ON CONTINENTAL MARGIN ISSUE SEEMED TO RELATE TO BROAD MARGIN CONCERNS, THIS CONVERSATION INDICATED THAT THE REAL TURKISH CONCERN WAS EITHER TO IGNORE THE PRESENCE OF THE GREEK ISLANDS IN DELIMITING THE TURKISH SHELF OR TO SLIDE THE TURKISH CONTINENTAL SHELF UNDER THE GREEK ECONOMIC ZONE IN SOME FASION.

4, THE TURKS NEXT RAISED THE ISSUE OF COASTAL ARCHPELAGOES AND THE US SIDE RESPONDED BY ASSURING THEM OF OUR CONTINUED OPPOSITION TO THIS CONCEPT AS CLEARLY INDICATED DURING COURSE OF ARCHPELAGO NEGOTIATIONS.

5, THE TURKS NEXT RAISED THE QUESTION OF ISLANDS, AND AGREED WITH THE US SUGGESTION THAT THE PROBLEM WAS REALLY TWO-FOLD, NAMELY, THE QUESTION OF MARITIME SPACE ENTITLEMENT FOR ISLANDS, AND THE QUESTION OF DELIMITATION. AFTER EXTENSIVE TURKISH EXPLANATION OF STANDARD TURKISH POSITION ON THESE ISSUES, THE US POINTED OUT THAT WE HAD REMAINED INACTIVE ON BOTH ISSUES; IT WAS EXPLAINED THAT ANY PUBLIC US TILT TO EITHER GREECE OR TURKEY ON THESE QUESTIONS MIGHT ONLY EXACERBATE THE SITUATION AND LESSEN THE PROSPECT FOR SATISFACTORY MUTUAL SOLUTION. TURKISH PRSSURE FOR US COMMITMENT OF SUPPORT SEEMED SIGNIFICANTLY LESS INSISTENT ON THIS ISSUE THAN ON MOST OTHERS.

6, THE NEXT QUESTION RAISED WAS THE TURKISH PROPOSALS ON SEMI-ENCLOSED AREAS. AMBASSADOR YOLGA EXPLAINED THE PRIVATE TURKISH INITIATIVE WITHIN COMMITTEE II INFORMAL NEGOTIATIONS GROUP STRUCTURE TO WORK OUT COMMON TEXTS WITH IRAQ AND OTHER SPONSORS OF THE SEMI-ENCLOSED SEAS PROPOSALS FROM THE CARACAS MAIN TRENDS PAPER. THE US SAID THE GENERAL US CONCERN WAS WITH SEMI-ENCLOSED SEA CONCEPT AND ITS POTENTIAL USE AS A VEHICLE FOR INTERFERING WITH NAVIGATIONAL FREEDOM. IN REVIEWING THE BLUE PAPER #13 WHICH RESULTED FROM PRIVATE TURKISH CONSULTATIONS, THE US POINTED OUT THE DIFFICULTIES WITH DEFINING ACCESS TO SUCH SEAS IN TERMS OF "PASSAGES

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NC 59976

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TRADITIONALLY USED" BECAUSE OF THE POTENTIAL CARRY-OVER PREJUDICE TO STRAITS NEGOTIATIONS AS WELL AS THE POTENTIAL DIFFICULTIES ON MARINE POLLUTION ISSUE. IT WAS POINTED OUT THAT THE PROPONENTS OF SEMI-ENCLOSED SEA HAD NEVER MADE IT CLEAR THAT THE INTENT WAS TO LIMIT THE RIGHTS ONLY AS BETWEEN THE RIPARIAN STATES. THE TURKISH SIDE AGREED THAT IT WAS NOT THE INTENT OF THESE PROPOSALS TO ENABLE THE RIPARIAN STATES IN A SEMI-ENCLOSED SEA TO IN ANY WAY ALTER WHATEVER BALANCE IS STRUCK BETWEEN THE RIGHTS OF THE COASTAL STATES AND THE INTERNATIONAL COMMUNITY IN TERRITORIAL SEAS, ECONOMIC ZONES, ETC. THE TURKISH SIDE MADE IT CLEAR THAT THE SOLE INTENT WAS TO IMPOSE OBLIGATIONS, AS BETWEEN THE RIPARIAN STATES IN THE REGION, TO COOPERATE IN THE EXERCISE OF COASTAL STATES RIGHTS. THE TURKISH REPS MADE NOTES ON POSSIBLE DRAFTING CHANGES IN THE BLUE PAPER ON THE BASIS OF THE FOREGOING EXPLANATION.

7. AMBASSADOR MOORE TOOK THE OPPORTUNITY IN THE CLOSING MOMENTS OF THE CONVERSATION, TO POINT OUT THE RELATIVE SUCCESS OF UNIMPEDED TRANSIT OF STRAITS IN THIS SESSION, AND THE RELATIVE ISOLATION OF STRAITS OPPONENTS WITH EMPHASIS ON OMAN, THE YEMENS, AND MOROCCO (THOUGH POSSIBLY NOW SHIFTING POSITIONS). IT WAS CLEAR THAT THE TURKISH SIDE RECEIVED THE SIGNAL THAT THEIR HELP ON THE STRAITS ISSUE WITHIN THE MOSLEM WORLD WOULD BE APPRECIATED.

8. DURING THE COURSE OF THE CONVERSATION IT WAS MADE EXPLICIT BY TURKISH REPS IN RESPONSE TO QUESTIONS FROM AMB. MOORE, THAT TURKISH NAVIGATIONAL AND SECURITY CONCERNS IMPLICIT IN TERRITORIAL SEA EXTENSIONS BY GREECE WERE MORE IMPORTANT THAN THE RESOURCE INTERESTS AT STAKE ALTHOUGH THE RESOURCE INTERESTS WERE ALSO VERY IMPORTANT. ABRAMS

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R 120720Z MAY 75

FM USMISSION GENEVA

TO RUEHC/SECSTATE WASHDC 2821

INFO RUTAMA/AMEMBASSY MONROVIA 79

BT

CONFIDENTIAL GENEVA 3412

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: DISCUSSION WITH THE SOLICITOR-GENERAL OF LIBERIA ON LOS
1. AMBASSADOR JOHN NORTON MOORE HOSTED LUNCH FOR SOLICITOR-GENERAL
ROLAND BARNES DURING LAST WEEK GENEVA SESSION LOS CONFERENCE. IN
GENERAL EXCHANGE OF VIEWS BARNES INDICATED HE SUPPORTED U.S.
NAVIGATIONAL OBJECTIVES AND THAT LIBERIA HAD SOUGHT TO AMELIORATE
GROUP OF 77 POSITION ON COASTAL STATE STANDARD SETTING FOR SHIP
POLLUTION IN SPECIAL AREAS BY STRICTLY CONFINING NUMBER OF SUCH
SPECIAL AREAS.

2. BARNES INDICATED HE WOULD LIKE SPECIFIC U.S. SUGGESTIONS ON
WHAT POSITION OAU MIGHT TAKE ON SINGLE NEGOTIATING TEXT. MOORE
PROMISED A PROMPT RESPONSE AFTER WE HAD OPPORTUNITY TO EXAMINE
TEXT, ABRAMS

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TO RUEHC/SECSTATE WASHDC 2819

INFO RUMJGM/AMEMBASSY COLOMBO 14

RUTADE/AMEMBASSY YAOUNDE 400

BT

C O N F I D E N T I A L GENEVA 3410

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I NEGOTIATING TEXT

1. DELEGATION REPORT ON GENEVA SESSION LOS CONFERENCE (AIR
POUCHED) CONTAINS DESCRIPTION OF DISPUTE BETWEEN PAUL ENGO,
CHAIRMAN, FIRST COMMITTEE AND CHRISTOPHER PINTO, CHAIRMAN FIRST
COMMITTEE WORKING GROUP, AND INDICATES DIFFERENCES SETTLED AMICABLY
ALTHOUGH UNIFIED NEGOTIATING TEXT NOW BEFORE GOVERNMENTS IS ENGO
VERSION RATHER THAN PINTO VERSION. LATTER WOULD HAVE BEEN MARK-
EDLY BETTER FOR U.S. THAN FORMER. IN DINNER CONVERSATION 9 MAY,
PINTO TOLD U.S. CI REP (RATINER) THAT AS PART OF THEIR RECONCIL-
IATION, ENGO HAD AGREED TO GIVE PINTO WIDE LATITUDE TO BRING BACK
IMPORTANT PARTS OF PINTO TEXT AT NEXT SESSION OF CONFERENCE PRO-
VIDED THIS CAN BE DONE GRACEFULLY AFTER SUFFICIENT PRELIMINARY
DEBATE SO IT DOES NOT APPEAR THAT PORTIONS OF ENGO TEXT ARE BEING
REMOVED IN WHOLESALE MANNER.

2. IN SEPARATE CONVERSATION YESTERDAY BETWEEN ENGO, UNDER
SECRETARY MAW, AMB. STEVENSON AND CI REP. (RATINER) ENGO
INDICATED WILLINGNESS TO FOSTER HOLDING OF INTERSESSIONAL CI WORK
ON DEEP SEABED REGIME AND MACHINERY. HE SAID THAT HIS GOVERN-
MENT WAS NOT LIKELY TO SUPPORT ANY EFFORT ON HIS PART TO ENGAGE
IN INTERSESSIONAL WORK UNLESS IT WERE DECIDED BY THE PRESIDENT.
ON U.S. DEL RETURN TO WASHINGTON, WE HOPE TO SEND SEPARATE CABLE
TO YAOUNDE ASKING AMB. TO MAKE APPROACH TO HEAD OF STATE STRESSING
CENTRAL ROLE ENGO NOW PLAYS IN CI AND IMPORTANCE TO U.S. OF FULL
CAMEROON SUPPORT FOR AN ENGO INITIATIVE TO CONDUCT INTERSESSIONAL
MEETINGS AMONG CI LEADERSHIP. FOR TIME BEING, NO ACTION REQUESTED
IN YAOUNDE OR COLOMBO.

ABRAMS

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TOR:060613Z MAY 75

R 060400Z MAY 75
FM AMEMBASSY MUSCAT
TO RUEHC/SECSTATE WASHDC 1104
INFO RUFHGV/USMISSION GENEVA 15
RUEHDT/USMISSION USUN NEW YORK 19

BT

C O N F I D E N T I A L MUSCAT 523

E.O. 11652: GDS

TAGS: PLOS, MU

SUBJECT: GMANI POSITION ON STRAITS ISSUE

REF: MUSCAT 506

SUMMARY: OMAN GOVT FOR NOW IS STICKING BY ITS INNOCENT PASSAGE
POSITION ON TRAFFIC THROUGH STRAITS. FONMIN INDICATES OMAN
WILL HOLD TIGHT TO THIS UNLESS IT BECOMES CRYSTAL CLEAR OMANIS
ALONE ARE ISOLATED IN THIS STANCE. END SUMMARY.

1, MINSTATE FOR FOREIGN AFFAIRS ZAWAWI RAISED SUBJECT WITH
AMBASSADOR MAY RIISAYING HE HAD WELCOMED OUR RECENT EXCHANGES AND
THAT ONANGOV HAS HELD SEVERAL IN-HOUSE DISCUSSIONS ON
SUBJECT. POINTS EMBASSY HAD MADE WERE UNDERSTOOD AND APPRE-
CIATED. NONETHELESS HIS GOVERNMENT HAS DECIDED TO MAINTAIN
ITS POSITION FAVORING INNOCENT RATHER THAN FREE TRANSIT THROUGH
STRAITS IN VIEW OF ITS CONCERNS ABOUT HORMUZ.

2, ZAWAWI SAID OMAN UNCONVINCED ITS CONCERNS CAN BE PROPERLY
PROTECTED EXCEPT THROUGH INNOCENT PASSAGE FORMULATION. IT IS
INSTRUCTING ITS DELEGATION AT GENEVA TO STICK TO STANCE IT HAS
TAKEN CONSISTENTLY AT CARACAS AND GENEVA. AT SAME TIME,
ZAWAWI ADDED, OMANDEL WILL WELCOME CONTINUED GENEVA CONTACT
WITH SOME MEMBERS OF USDEL RE POSSIBLY FAST-MOVING DEVELOP-
MENTS THIS MATTER AS LOS CONFERENCE MOVES ALONG.

3, IT MAY BE SIGNIFICANT THAT ZAWAWI ADDED OMAN MIGHT BE
PREPARED TO RECONSIDER IN THE EVENT IT BECAME CERTAIN THAT LOS
MEMBERSHIP AS A WHOLE WAS AGREED ON FREE PASSAGE FORMULATION
WITH APPROPRIATE SAFEGUARDS PROTECTING ADJACENT STRAITS STATES.
THAT IS, IF OMAN ALONE WERE ISOLATED, IT MIGHT CHOOSE TO RE-
CONSIDER. BUT GOVERNMENT DOES NOT WANT TO MAKE PREMATURE
CONCESSIONS. HE REPEATED THAT WITH RESPECT TO FRIENDLY STATES
SUCH AS U.S., OMAN IN PRACTICE WOULD INTERPRET INNOCENT
PASSAGE AS IF IT WERE FREE PASSAGE, AND ACKNOWLEDGED THAT
FOR FORESEEABLE FUTURE OMAN IN ANY CASE WOULD NOT POSSESS
ABILITY TO ENFORCE PROVISIONS THAT INNOCENT PASSAGE ENTAILS.

Geneva

Comm. II ✓

Oman ✓

112

WOLLE

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Approved For Release 2002/08/21 : CIA-RDP82S00697R000300090005-3

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 2636
INFO RUEHDT/USMISSION USUN 1646
BT

C O N F I D E N T I A L

LIMITED OFFICIAL USE GENEVA 3221

EO: 11652: N/A

TAGS: PLOS

SUBJ: LOS: CREDENTIALS COMMITTEE

REF: STATE 103984

1. LOS CREDENTIALS COMMITTEE MET FOR 90 MINUTES 5 APRIL AND SLIGHTLY AMENDED BUT APPROVED SECRETARIAT TEXT WHICH NOW STATES THAT THE COMMUNICATIONS RECEIVED FROM THE QUOTE FORMER GOVERNMENT OF THE REPUBLIC OF VIETNAM AND FORMER GOVERNMENT OF KHMER REPUBLIC ARE INVALID UNQUOTE. (VERBATIM TEXT NOT AVAILABLE BUT ABOVE CONFIRMED BY THREE PARTICIPANTS.)

2. CHINA MADE SHORT STATEMENT BUT INCLUDED NO REFERENCE TO ANY NEW CREDENTIALS FOR GKR OR SVN. IVORY COAST MADE BRIEF STATEMENT STATING THAT HAD SOUTH AFRICA ATTENDED THE CONF THEIR CREDENTIALS WOULD HAVE BEEN CHALLENGED. (COMMENT: EXECUTIVE SECRETARY HALL SAID LATER THAT HIS CONVICTION IS IVORY COAST STATEMENT WAS FOR RECORD AND NO FURTHER MOVE ON SOUTH AFRICA IS ANTICIPATED AT THIS SESSION. END COMMENT.) ISRAEL WAS NOT MENTIONED. ABRAMS

Geneva
Procedural ✓

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NC 54630

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R 051628Z MAY 75
FM USMISSION GENEVA
TO SECSTATE WASHDC 2627
BT
UNCLAS GENEVA 3210
E.O. 11652: NA
TAGS: PLOS

SUBJ: LOSI COMMITTEE II FORMAL SESSION MAY 2

1. COMMITTEE II MET IN FORMAL SESSION MAY 2 TO RECEIVE
ECUADOR PROPOSAL (L.88) ON 200-MILE TERRITORIAL SEA.
TEXT IS TRADITIONAL TERRITORIALIST POSITION IN ALL SIGNI-
FICANT RESPECTS.

2. CHINA, MADAGASCAR, GUINEA, BISSAU, GUINEA, URUGUAY,
BRAZIL AND PERU SUPPORTED TERRITORIALIST POSITION IN ECUDAREAN
TEXT. PERU AND BRAZIL WERE LESS STRIDENT THAN IN
PAST. CHINA SPOKE OF 200-MILE MARITIME JURISDICTION; ENGLISH
INTERPRETATION DID NOT MENTION TERM TERRITORIAL SEA IN CONNECTION
WITH PRC POSITION.

3. MOROCCO MADE LONG STATEMENT ON SPANISH ENCLAVES ON SOUTH
SIDE OF GIBRALTER STRAIT, WHICH MOROCCO DOES NOT RECOGNIZE
AS SPANISH TERRITORY. INTERVENTION AND SPANISH REPLY REPORTED
SEPTEL.

4. NORTH KOREA SUPPORTED TERRITORIALIST POSITION AS A MEANS
TO END SUPERPOWER DOMINATION OF THE OCEANS AND ATTACKED U.S.
BY NAME, REFERRING TO PUEBLO INCIDENT AND U.S. DOMINATION
OF SOUTH KOREA. ALBANIA GAVE STRONG DIATRIBE
AGAINST SUPER POWER HEGEMONY AND ALSO NAMED U.S.

5. GREECE SURPRISINGLY SUPPORTED ECUDOR TEXT IN PRINCIPLE
ALTHOUGH NOTING SOME MINOR CHANGES WOULD BE NEEDED.
GREEKS PRIVATELY TOLD US THAT THEY

STILL SUPPORT 12-MILE TERRITORIAL SEA AND THAT THERE WAS
SOME MISUNDERSTANDING ABOUT THEIR STATEMENT.

6. HUNGARY AND PARAGUAY OPPOSED ECUADOR TEXT ON GROUNDS
THAT LAND-LOCKED STATES INTERESTS NOT ADEQUATELY PROTECTED.
HUNGARY LAMENTED RETROGRESSIVE STEP OF INTRODUCING SUCH A
TERRITORIALIST TEXT AT THIS STAGE OF NEGOTIATION. PARAGUAY
INDICATED THAT THEY COULD ACCEPT ECUADOR TEXT IF LAND-
LOCKED ACCESS TO RESOURCES GUARANTEED. ABRAMS

*Geneva
Committee II*

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NC 54694

TOR:051832Z MAY 75

R 051530Z MAY 75
FM AMCONSUL GUAYAQUIL
TO RUEHC/SECSTATE WASHDC 3906
INFO RUESQI/AMEMBASSY QUITO 4396
RUFHGV/USMISSION GENEVA 9
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C O N F I D E N T I A L GUAYAQUIL 0757
GENEVA FOR LOS DELEGATION
EO 11652: GDS
TAGS: PLOS EFIS EC US
SUBJ: U.S. FISHING VESSEL A.K. STROM
REF: QUITO 2814 AND 2831; DEPT 095869;
GENEVA 3010

1. DURING MAY 5 CONVERSATION WITH CONGEN, NAVY LT. JORGE JARAMILLO SANDOVAL VOLUNTEERED INFORMATION THAT U.S. TUNA VESSEL A.K. STROM HAD BEEN FISHING IN ECUADOREAN-CLAIMED WATERS ABOUT TWO WEEKS AGO. JARAMILLO, WHO IS COMMUNICATIONS INSTRUCTOR AT SALINAS NAVAL BASE, SAID THAT STROM HAD BEEN IN RADIO CONTACT WITH ECUADOREAN AUTHORITIES CONCERNING ACCIDENT AT SEA OF ECUADOREAN VESSEL. STROM HAD BEEN UNABLE RENDER ASSISTANCE.

2. JARAMILLO STATED THAT HE HAD SPOKEN VIA RADIO WITH STROM MASTER CAPTAIN DAVID RICO, HIS FRIEND FOR FOURTEEN YEARS, CONCERNING ASSISTANCE IN A VISA CASE REGARDING A RELATIVE OF JARAMILLO. JARAMILLO SAID THAT STROM HAD SAILED NORTH ABOUT TEN DAYS AGO BECUASE TUNE DEPARTED ECUADOREAN-CLAIMED WATERS ABOUT THAT TIME.

DEWITT

Ecuador

108

C O N F I D E N T I A L

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TOR:051626Z MAY 75

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FM USMISSION GENEVA
TO SECSTATE WASHDC 2625
BT
UNCLAS GENEVA 3207
FROM US DEL LOS
EO: 11652: N/A
TAGS: PLOS
SUBJ: LOS: STRAITS

Geneva

Comm. II

Straits - many countries

107

1, SUMMARY. COMMITTEE II INFORMAL WORKING GROUP OF THE WHOLE
DEBATED STRAITS MAY 1 WITH TREND IN FAVOR OF UNIMPEDED PASSAGE.
END SUMMARY.

2, STATEMENTS IN FAVOR OF UNIMPEDED PASSAGE MADE BY ARGENTINA,
USA, UK, UNITED ARAB EMIRATES, NETHERLANDS, IRAQ, JAPAN, LIBERIA,
ISRAEL, BAHAMAS, ICELAND, FRG, INDIA, BAHRAIN, USSR, UKRAINE,
BULGARIA, MONGOLIA, GDR AND CUBA.

3, STRONG STATEMENTS IN FAVOR OF INNOCENT PASSAGE AND AGAINST
UNIMPEDED PASSAGE MADE BY CHINA, ALBANIA, YEMEN, DEMOCRATIC YE-
MEN, PHILIPPINES, SPAIN AND OMAN. EGYPT OPPOSED OVERFLIGHT.
GREECE DEFENDED INNOCENT PASSAGE.

4, CANADA, NORWAY AND CHILE CIRCULATED A MEMORANDUM OPPOSING
THE APPLICATION OF A STRAITS TRANSIT REGIME TO INTERNAL WATERS.
NORWAY ARGUED STRONGLY IN FAVOR OF UNIMPEDED TRANSIT, SPECIFICALLY
INCLUDING WARSHIPS, BUT SAID THE AREAS WITHIN ITS STRAIGHT
BASELINES HAD BEEN DECLARED BY THE ICJ NOT TO BE INTERNATIONAL
STRAITS. CANADA AND CHILE ARGUED THAT STRAITS REGIME SHOULD AP-
PLY TO STRAITS "NORMALLY" OR "CUSTOMARILY" USED FOR INTERNATIONAL
NAVIGATION. THE UK AND ARGENTINA OPPOSED THE EXCLUSION OF
STRAITS OVERLAPPED BY INTERNAL WATERS FROM UNIMPEDED TRANSIT, AS
WELL AS A LIMITATION TO STRAITS "NORMALLY" OR "CUSTOMARILY" USED
FOR INTERNATIONAL NAVIGATION.

5, INDONESIA REFERRING TO RECENT ACCIDENTS, DISCUSSED SPECIAL
POLLUTION PROBLEMS IN THE STRAITS OF MALACCA, AND THE CONSEQUENT
NEED FOR COASTAL STATE REGULATION, WHICH NEED NOT HAMPER OR IM-
PEDE PASSAGE BUT DID NOT OPPOSE UNIMPEDED TRANSIT.

6, ARAB STATES AND SOVIET BLOC SPOKE IN FAVOR OF DISTINGUISHING
BETWEEN STRAITS CONNECTING TWO PARTS OF THE HIGH SEAS AND STRAITS
CONNECTING THE HIGH SEAS WITH THE TERRITORIAL SEA OF A FOREIGN
STATE, WHILE ISRAEL AND FRG OPPOSED THE DISTINCTION. ABRAMS

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PAGE 01

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TOR:051444Z MAY 75

Geneva

Comm. II & III

Tunisia

Uganda

Group of 77

106

R 051215Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2612
INFO RUEHDT/USMISSION USUN NEW YORK 1637
BT
UNCLAS SECTION 1 OF 3 GENEVA 3195
FROM US DEL LOS
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: ECONOMIC ZONE

1. SUMMARY: THIS CABLE TRANSMITS TEXT OF 1 MAY 1975 LETTER FROM AMB, KEDADI OF TUNISIA, CHAIRMAN OF GROUP OF 77, TO AMBASSADOR GALINDO POHL, CHAIRMAN OF COMMITTEE II, ENCLOSING A WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE, AN OPPOSING LETTER TO GALINDO POHL FROM UGANDA ON BEHALF OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CRITICIZING THE TEXT, AND ARTICLES SUBMITTED BY THEM,

2. WHILE KEDADI TEXT FOLLOWS THE APPROACH OF THE EVENSEN GROUP PAPER, THERE ARE NO SPECIFIC ARTICLES ON INSTALLATIONS OR FISHERIES (OTHER THAN LANDLOCKED AND GDS ACCESS) AND THE WORDING OF ARTICLE 2(C) IS BROADER AND CONTAINS NO QUALIFYING CROSS-REFERENCE "AS PROVIDED IN THIS CONVENTION." PARTICULAR ATTENTION IS INVITED TO ARTICLE 2(D), ARTICLE 3, THE LAST PORTION OF ARTICLE 7(11), AND THE STATEMENT THAT THE ECONOMIC ZONE IS NOT HIGH SEAS IN ARTICLE 8, THE RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES UNDER ARTICLE 5 ARE MORE ELABORATE AND PERHAPS STRONGER THAN IN THE EVENSEN TEXT. ONE MIGHT SPECULATE THAT THE TEXT AS A WHOLE IN EFFECT REFLECTS AN ATTEMPT TO ACCOMMODATE DISSATISFACTION WITH THE EVENSEN TEXT BY EXTREMEN COASTAL STATES AND AN EFFORT TO ACCOMMODATE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES. THE LATTER ARE, HOWEVER, NOT SATISFIED.

3. TEXT KEDADI LETTER: BEGIN TEXT - I HAVE THE HONOUR TO TRANSMIT TO YOU A WORKING PAPER DATED 30 APRIL 1975 CONTAINING DRAFT ARTICLES ON THE EXCLUSIVE ECONOMIC ZONE. THE PAPER WAS PREPARED ON THE BASIS OF DISCUSSION IN THE GROUP OF 77 OVER THE PAST SEVERAL WEEKS. AS THE DISCUSSIONS HAVE NOT BEEN CONCLUDED, THE PAPER DOES NOT REPRESENT A CONSENSUS OF THE GROUP. NEVERTHELESS, IT DOES

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REFLECT A CROSS SECTION OF POSITIONS HELD BY STATES MEMBERS OF THE GROUP OF 77 AND AS SUCH IT MAY PROVE TO BE OF SOME ASSISTANCE TO YOU IN PREPARING A NEGOTIATING TEXT ON THE ITEMS DEALT WITH BY YOUR COMMITTEE. END TEXT,
4. TEXT OF DRAFT ARTICLES TRANSMITTED BY KEDADII: BEGIN TEXT - WORKING PAPER ON THE EXCLUSIVE ECONOMIC ZONE - (THE FOLLOWING TEXT IS SUBMITTED BY THE CHAIRMAN OF THE GROUP OF 77 TO THE CHAIRMAN OF COMMITTEE II ON BEHALF OF THE GROUP OF 77, FOR HIS INFORMATION. DISCUSSIONS ARE CONTINUING ON SEVERAL ASPECTS CONTAINED IN THE TEXT AND CONSEQUENTLY THE DOCUMENT CANNOT BE CONSIDERED AS REPRESENTING THE FINAL POSITION OF THE GROUP OR OF ANY STATE MEMBER OF THE GROUP OF 77.)

ARTICLE 1

COASTAL STATES HAVE THE RIGHT TO ESTABLISH BEYOND AND ADJACENT TO THEIR TERRITORIAL SEAS AN EXCLUSIVE ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND 200 NAUTICAL MILES FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED. THIS ARTICLE IS WITHOUT PREJUDICE TO ARTICLE...PERTAINING TO THE CONTINENTAL SHELF.

ARTICLE 2

COASTAL STATES EXERCISE IN AND THROUGHOUT THE EXCLUSIVE ECONOMIC ZONE:

- (A) SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORING, EXPLOITING, CONSERVING AND MANAGING THE NATURAL RESOURCES, WHETHER RENEWABLE OR NON-RENEWABLE, OF THE WATER COLUMN, AND SEABED AND SUBSOIL.
- (B) SOVEREIGN RIGHTS WITH REGARD TO OTHER ACTIVITIES FOR THE ECONOMIC EXPLORATION AND EXPLOITATION OF THE EXCLUSIVE ECONOMIC ZONE, SUCH AS THE PRODUCTION OF ENERGY FROM THE WATER, CURRENTS AND WINDS, BUT WITHOUT PREJUDICE TO THE PROVISIONS OF PARAGRAPH 7 BELOW.
- (C) (I) EXCLUSIVE JURISDICTION WITH RESPECT TO AUTHORIZATION, REGULATION AND CONTROL OF THE MARINE ENVIRONMENT INCLUDING POLLUTION CONTROL AND ABATEMENT.
- (II) EXCLUSIVE JURISDICTION WITH RESPECT TO AUTHORIZATION, REGULATION AND CONTROL OF SCIENTIFIC RESEARCH.
- (III) EXCLUSIVE JURISDICTION WITH RESPECT TO THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS, INSTALLATIONS, STRUCTURES AND OTHER DEVICES, INCLUDING CUSTOMS

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FISCAL, HEALTH, PUBLIC ORDER AND IMMIGRATION
REGULATION PERTAINING THERETO.

(D) OTHER RIGHTS AND DUTIES COMPATIBLE WITH THE PROVI-
SIONS OF THIS CONVENTION.

COASTAL STATES HAVE THE POWER TO MAKE AND ENFORCE REGU-
LATIONS RELATING TO THE ABOVE RIGHTS AND JURISDICTION,

ARTICLE 3

(A) THE RIGHTS TO RESOURCES RECOGNIZED OR ESTABLISHED
BY THE PRESENT CONVENTION OF A TERRITORY WHOSE PEOPLE
HAVE NOT YET ATTAINED EITHER FULL INDEPENDENCE OR SOME
OTHER SELF-GOVERNING STATUS RECOGNIZED BY THE UNITED
NATIONS OR A TERRITORY UNDER FOREIGN OCCUPATION OR
COLONIAL DOMINATION OR A UNITED NATIONS TRUST TERRITORY
OF A TERRITORY ADMIN-

ISTERED BY THE UNITED NATIONS SHALL BE VESTED IN THE INHA-
BITANTS OF THAT TERRITORY, TO BE EXERCISED BY THEM FOR THEIR
OWN BENEFIT AND IN ACCORDANCE WITH THEIR OWN NEEDS AND RE-
QUIREMENTS.

THE ABOVE PROVISION SHALL APPLY IN EVERY WAY TO THE PALES-
TINIAN LIBERATION MOVEMENT AND THE LIBERATION MOVEMENTS
RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY, WHO ARE
ENGAGED IN ARMED STRUGGLE TO RECOVER THEIR TERRITORY.

(B) IN NO CASE MAY THE RIGHTS REFERRED TO IN PARAGRAPH 1
BE EXERCISED, PROFITED OR BENEFITED FROM, DIRECTLY OR
INDIRECTLY, OR IN ANY WAY INFRINGED BY A METROPOLITAN
OR FOREIGN POWER ADMINISTERING OR OCCUPYING SUCH
TERRITORY OR PURPORTING TO ADMINISTER OR OCCUPY SUCH
TERRITORY.

WHERE A DISPUTE EXISTS WITH REGARD TO A TERRITORY UNDER
FOREIGN OCCUPATION OR COLONIAL DOMINATION SUCH RIGHTS
WILL NOT BE EXERCISED UNTIL AND WHEN THE DISPUTE WITH
THE COLONIAL DOMINATING POWER HAS BEEN DEFINITELY SETTLED IN
ACCORDANCE WITH THE PERTINENT RESOLUTIONS OF THE GENERAL
ASSEMBLY OF THE UNITED NATIONS WHICH CONTEMPLATE SAFE-
GUARDING OF TERRITORIAL INTEGRITY, THE PROMOTION OF DE-
COLONIALIZATION AND THE RECOVERY OF TERRITORY.

(C) REFERENCES IN THIS ARTICLE TO A TERRITORY INCLUDE
CONTINENTAL AND INSULAR TERRITORIES.

ARTICLE 4

IN EXERCISING THEIR RIGHTS AND THEIR JURISDICTION UNDER

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THIS CONVENTION AND IN MAKING AND ENFORCING REGULA-
TIONS PERTAINING THERETO COASTAL STATES SHALL HAVE DUE
REGARD TO THE RIGHTS OF OTHER STATES IN THE EXCLUSIVE
ECONOMIC ZONE AS SPECIFIED IN THIS CONVENTION.

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UNCLAS SECTION 2 OF 3 GENEVA 3195
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ARTICLE 5

(I) (A) LANDLOCKED STATES AND DEVELOPING STATES GEOGRAPHICALLY DISADVANTAGED STATES HAVE THE RIGHT TO EXPLOIT THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE OF NEIGHBORING COASTAL STATES IN ACCORDANCE WITH THIS ARTICLE AND SHALL BEAR THE CORRESPONDING OBLIGATIONS. DEVELOPED LAND-LOCKED AND DEVELOPED GEOGRAPHICALLY DISADVANTAGED STATES SHALL HOWEVER ONLY BE ENTITLED TO EXERCISE THEIR RIGHTS WITHIN THE EXCLUSIVE ECONOMIC ZONES OF NEIGHBORING DEVELOPED COASTAL STATES.

(B) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B BELOW, NATIONALS OF NEIGHBORING LANDLOCKED STATES SHALL ENJOY EQUAL RIGHTS AS NATIONALS OF COASTAL STATES, OR A RIGHT THAT WILL ENSURE A FAIR AND EQUITABLE SHARE OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONES, AND BEAR SIMILAR BUT NON-DISCRIMINATORY OBLIGATIONS AS NATIONALS OF THE COASTAL STATE.

(C) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (II)B BELOW, NATIONALS OF NEIGHBORING DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES SHALL ENJOY A RIGHT THAT WILL ENSURE A FAIR AND EQUITABLE SHARE OF THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE AND BEAR SIMILAR BUT NON-DISCRIMINATORY OBLIGATIONS AS NATIONALS OF A COASTAL STATE.

(II) A. THE ABOVE-MENTIONED RIGHTS OF NATIONALS OF LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATES CANNOT BE TRANSFERRED TO THIRD PARTIES BY LEASE OR LICENSE, BY ESTABLISHING JOINT COLLABORATION VENTURES, OR BY ANY OTHER ARRANGEMENTS. THE FOREGOING SHALL NOT HOWEVER PRECLUDE LANDLOCKED STATES AND DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL AND FINANCIAL ASSISTANCE FROM THIRD STATES OR COMPETENT INTERNATIONAL ORGANIZATIONS.

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B. BILATERAL, SUBREGIONAL OR REGIONAL ARRANGEMENTS SHALL BE WORKED OUT FOR THE PURPOSE OF ENSURING THE ENJOYMENT OF THE RIGHTS AND CARRYING OUT THE OBLIGATIONS IN PARAGRAPH (I) OF THIS ARTICLE INCLUDING WHERE APPROPRIATE, SPECIFYING THE AREAS IN THE EXCLUSIVE ECONOMIC ZONE WHERE SUCH RIGHTS WOULD BE EXERCISED. NOTHING IN THIS ARTICLE SHALL PRECLUDE STATES IN A REGION OR SUBREGION FROM ENTERING INTO ARRANGEMENTS FOR REGIONAL EXCLUSIVE ECONOMIC ZONES FOR EXPLOITING THE RESOURCES THEREIN.

ARTICLE 6

(A) FOR THE PURPOSE OF THESE ARTICLES "DEVELOPING GEOGRAPHICALLY DISADVANTAGED STATES" MEANS DEVELOPING COASTAL STATES WHICH:

(I) FOR GEOGRAPHICAL REASONS CANNOT CLAIM AN EXCLUSIVE ECONOMIC ZONE, OR

(II) FOR BIOLOGICAL OR ECONOLOGICAL REASONS, EXCLUSIVELY NATURAL IN CHARACTER, DERIVE NO SUBSTANTIAL ECONOMIC ADVANTAGE FROM EXPLOITING THE LIVING RESOURCES OF THEIR

EXCLUSIVE ECONOMIC ZONES AND WHOSE RIGHTS OF ACCESS TO LIVING RESOURCES ARE ADVAEESLY AFFECTED BY THE ESTABLISHMENT OF EXCLUSIVE ECONOMIC ZONES BY OTHER STATES.

(B) FOR THE PURPOSE OF ARTICLE 5, A LANDLOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE IS "NEIGHBORING" J COAS CSTATE IF:

(I) IT SHARES A COMMON BORDER WITH THE COASTAL STATE, OR

(II) IT IS ADJACENT TO THE COASTAL STATE, OR

(III) BOTH IT AND THE COASTAL STATE LIE WITHIN OR BORDER A CLOSED OR SEMIENCLOSED AREA, OR

(IV) IT IS SITUATED WITHIN REASONABLE PROXIMITY OF THE COASTAL STATE, TAKING INTO ACCOUNT ALL THE RELEVANT GEOGRAPHICAL CIRCUMSTANCES PERTAINING TO THE REGION.

ARTICLE 7

(I) ALL STATES, WHETHER COASOAL OR NOT SHALL ENJOY IN THE EXCLUSIVE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LIGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATIONS, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

(II) IN EXERCISING THEIR RIGHTS AND PEFORMING THEIR DUTIES WITHIN THE EXCLUSIVE ECONOMIC ZONE UNDER THIS CONVENTION, STATES SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF

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THE COASTAL STATE AND IN PARTICULAR TO ITS SECURITY INTERESTS
IN THE EXCLUSIVE ECONOMIC ZONE.

ARTICLE 8

8. IN CASES WHERE THE CONVENTION DOES NOT ATTRIBUTE WITHIN
THE EXCLUSIVE ECONOMIC ZONE, RIGHTS OR JURISDICTION TO
THE COASTAL STATE OR TO OTHER STATES AND A DISAGREE-
MENT ARISES IN CONNECTION WITH THE INTERESTS OF THE COASTAL
STATE AND ANY OTHER STATE OR STATES, SUCH DISAGREEMENT
SHOULD BE RESOLVED TAKING INTO ACCOUNT EQUITY, THE NATURE
OF THE EXCLUSIVE ECONOMIC ZONE WHICH IS NOT PART OF THE
HIGH SEAS, AND IN LIGHT OF ALL RELEVANT CIRCUMSTANCES,
INCLUDING THE RESPECTIVE IMPORTANCE TO THE PARTIES OF THE
INTERESTS INVOLVED AS WELL AS TO THE INTERNATIONAL COMMU-
NITY AS A WHOLE. END TEXT.

5. TEXT UGANDA LETTER: BEGIN TEXT - ON BEHALF OF THE
GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES OF THE GROUP OF 77, I HAVE THE HONOUR TO CONVEY
TO YOU THE FOLLOWING POINTS:

A) THE GROUP WISHES TO INFORM YOU THAT IT HAS VERY
SERIOUS RESERVATIONS ON THE PAPER SUBMITTED BY
AMBASSADOR KEDADI ON BEHALF OF THE GROUP OF 77.
IN THE VIEW OF THE GROUP OF LANDLOCKED AND GEO-
GRAPHICALLY DISADVANTAGED STATES OF THE GROUP OF
77, THE PAPER EMANATING FROM THE GROUP OF 77
DOES NOT EQUITABLY REPRESENT THE INTERESTS OF
THAT GROUP.

B) ON THE OTHER HAND, THE GROUP OF LANDLOCKED AND
GEOGRAPHICALLY DISADVANTAGED STATES OF THE GROUP
OF 77 WISHES TO EMPHASIZE TO YOU THAT THE TWO
PAPERS SUBMITTED BY AMBASSADOR FRANZ WEIDINGER ON BEHALF
OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES CONTAIN THE WIDELY ACCEPTABLE VIEWS AND INTERESTS
OF THE GROUP OF LANDLOCKED AND GEOGRAPHICALLY DISAD-
VANTAGED STATES OF THE GROUP.

IT IS THEREFORE, THE HOPE OF THE GROUP ON WHOSE BEHALF
THIS LETTER IS ADDRESS TO YOU THAT IN PREPARING THE SINGLE
NEGOTIATING TEXT FOR THE SECOND COMMITTEE YOU WILL RELY ON
THESE PAPERS TO DETERMINE THE INTERESTS OF THE GROUP IN
QUESTION. END TEXT.

6. TEXT OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES;
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BEGIN TEXT - REGIME ON THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONE

NOTE: THESE DRAFT ARTICLES DO NOT NECESSARILY REPRESENT THE FINAL POSITION OF THE MEMBERS OF THE GROUP OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES ON THE QUESTION OF THE ECONOMIC ZONE AND DO NOT PREJUDICE THEIR POSITION ON PREVIOUS OR FUTURE DRAFT PROPOSALS,

ARTICLE 1

SUBJECT TO THE PROVISIONS OF THESE ARTICLES COASTAL STATES SHALL HAVE THE RIGHT TO ESTABLISH, ADJACENT TO THEIR TERRITORIAL SEA, AN ECONOMIC ZONE WHICH SHALL NOT EXTEND BEYOND ... NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED, COASTAL STATES MAY EXERCISE IN THAT ECONOMIC ZONE, RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE WATER COLUMN, THE SEABED AND SUBSOIL.

ARTICLE 2

IN EXERCISING THEIR RIGHTS RELATING TO THE ECONOMIC ZONE, COASTAL STATES SHALL PAY DUE REGARD TO THE RIGHTS OF OTHER STATES IN THAT ZONE.

ARTICLE 3

ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN THE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND OVERFLIGHT, THE RIGHT TO LAY SUBMARINE CABLES AND PIPELINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS OF THIS CONVENTION.

ARTICLE 4

LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL HAVE THE RIGHT TO PARTICIPATE IN THE EXPLORATION AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF COASTAL STATES IN ACCORDANCE WITH THE PROVISIONS OF THESE ARTICLES.

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TO RUEHC/SECSTATE WASHDC 2614
INFO RUEHDT/USMISSION USUN NEW YORK 1639
BT
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FROM US DEL LOS

ARTICLE 5

1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL NOT TRANSFER THEIR RIGHTS UNDER ARTICLE 4 TO THIRD STATES, EXCEPT WHEN OTHERWISE AGREED UPON BY THE STATES CONCERNED.
2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT PRECLUDE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES FROM OBTAINING TECHNICAL OR FINANCIAL ASSISTANCE FROM THIRD STATES, OR FROM INTERNATIONAL ORGANIZATIONS, FOR THE PURPOSE OF ENABLING THEM TO ENJOY THEIR RIGHTS IN THE ECONOMIC ZONES.

ARTICLE 6

ACTIVITIES CARRIED OUT PURSUANT TO THESE ARTICLES BY LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE SHALL BE SUBJECT TO THE RELEVANT REGULATIONS OF THE COASTAL STATE PROVIDED THAT THESE REGULATIONS ARE APPLIED WITHOUT DISCRIMINATION AND ARE CONSISTENT WITH THE PROVISIONS OF THESE ARTICLES AND THE AGREEMENTS TO BE CONCLUDED UNDER THEM.

ARTICLE 7

1. EQUITABLE ARRANGEMENTS FOR THE PURPOSE OF THE EXERCISE OF THE RIGHT REFERRED TO IN ARTICLE 4 SHALL BE WORKED OUT BETWEEN A LAND-LOCKED, OR GEOGRAPHICALLY DISADVANTAGED STATE AND THE NEIGHBOURING COASTAL STATE OR STATES.
2. NEIGHBOURING COASTAL STATE SHALL MEAN A STATE WHICH IS ADJACENT TO OR SITUATION IN THE (CLOSE) VICINITY OF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CONCERNED.

ARTICLE 8

IF A NEIGHBOURING COASTAL STATE IS GEOGRAPHICALLY DISADVANTAGED THE ARRANGMENTS REFERRED TO IN ARTICLE 7 SHALL BE WORKED OUT WITH ONE OR MORE OF THE NEXT ADJACENT

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TOR:051442Z MAY 75

OR OTHER COASTAL STATES OF THE REGION TAKING INTO ACCOUNT THAT THE RIGHTS OF PARTICIPATION IN THE ECONOMIC ZONES SHALL BE EQUITABLY DISTRIBUTED.

ARTICLE 9

1, THE TERM "REGION" AS USED IN THESE ARTICLES SHALL MEAN THE GEOGRAPHICAL AREAS COVERED BY THE REGIONAL ECONOMIC COMMISSIONS OF THE UNITED NATIONS.

2, THE EXERCISE OF THIS RIGHT SHALL BE SUBJECT TO THE PRINCIPLE THAT DEVELOPED LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL ONLY PARTICIPATE IN THE ECONOMIC ZONES OF DEVELOPED COASTAL STATES.

ARTICLE 10

1, COASTAL STATES, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN A SUB-REGION SHALL, AT THE REQUEST OF ANY OF THEM, ENTER INTO NEGOTIATIONS WITH A VIEW TO CONCLUDING ARRANGEMENTS FOR THE ESTABLISHMENT OF SUB-REGIONAL ECONOMIC ZONES ON A BASIS OF EQUALITY.

2, THE TERM "REGIONAL" OR "SUB-REGIONAL" ECONOMIC ZONES MEANS ECONOMIC ZONES CREATED BY A GROUP OF THREE OR MORE NEIGHBORING STATES WHETHER OR NOT THEY ARE PARTIES TO AGREEMENTS OF ECONOMIC INTEGRATION FOR THE PURPOSE OF JOINT EXPLORATION AND EXPLOITATION OF SUCH ZONES.

ARTICLE 11

IN EXERCISING THEIR RIGHT UNDER ARTICLE 4 RELATING TO LIVING RESOURCES LAND-LOCKED STATES SHALL BE ENTITLED TO EXPLORE AND EXPLOIT THE LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED ON AN EQUAL AND NON-DISCRIMINATORY BASIS, AND GEOGRAPHICALLY DISADVANTAGED STATES ON AN EQUITABLE BASIS, WITH SUCH COASTAL STATES.

ARTICLE 12

1, THE RIGHT REFERRED TO IN ARTICLE 4 RELATING TO THE EXPLORATION AND EXPLOITATION OF NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED SHALL BE IMPLEMENTED BY THE ESTABLISHMENT OF JOINT VENTURES OR BY ANY OTHER FORM OF PARTICIPATION ON AN EQUITABLE AND ECONOMICALLY MEANINGFUL BASIS.

2, THE PARTICIPATION REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE DEEMED TO BE EQUITABLE AND ECONOMICALLY MEANINGFUL IF THE LAND-LOCKED OR GEOGRAPHICALLY DIS-

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ADVANTAGED STATE CAN OBTAIN AT LEAST ... PER CENT OF THE
TOTAL OF THE NON-LIVING RESOURCES EXTRACTED ANNUALLY
IN THE ECONOMIC ZONE OF THE COASTAL STATES CONCERNED.
ABRAMS

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C O N F I D E N T I A L

LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 3194
FROM USDEL LOS

SUMMARY: COMMITTEE I - PLENARY MET APRIL 25 TO HEAR
PROGRESS REPORT OF WORKING GROUP CHAIRMAN AND COMMENTS
ON MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT
BY CHAIRMAN. GROUP OF 77 PRESENTED POSITION WHICH WAS
LATER AUGMENTED BY LANDBASED PRODUCERS WHO EMPHASIZED
NEED FOR PRODUCTION CONTROLS (GROUP'S OFFICIAL STATE-
MENT DID NOT DEAL WITH ISSUE). MEETING CONTINUED APRIL
28 WITH SU (CI) REP. MAKING DETAILED INTERVENTION ON
BEHALF OF CERTAIN DEVELOPED COUNTRIES. END SUMMARY.
1. COMMITTEE I (CI) PLENARY MET APRIL 25 UNDER CHAIR-
MANSHIP OF PAUL ENGO (CAMEROON) TO HEAR PROGRESS REPORT
OF WORKING GROUP BY PINTO (SRI LANKA) AND COMMENTS ON
MACHINERY TO FACILITATE PREPARATION OF SINGLE TEXT BY
C-I CHAIRMAN.

2A. PINTO OUTLINED PLAN OF WORKING GROUP, CONSISTING
OF THREE PHASES: CLARIFYING LEGAL CONCEPT OF JOINT
VENTURE; RECONCILING VIEWS TO DETERMINE COMMON GROUND
FOR CONSTRUCTION OF JOINT VENTURE; AND REFLECTING
JOINT VENTURE CONCEPT IN TREATY ARTICLES. ANONYMOUS
PAPER (CAB 12) PRESENTED TO FOCUS DISCUSSION OF BASIC
CONDITIONS TAKING ACCOUNT OF L.6, L.7, L.8, L.9 AND
L.12 LED TO ATTEMPT TO RECONCILE VIEWS. PINTO EMPHASIZED
CAB.12 NOT NEGOTIATED AS COMPROMISE TEXT, BUT EFFORT TO
FORM BASIS FOR COMPROMISE. HE FELT NEGOTIATIONS ARE
PROCEEDING AS RAPIDLY AS COULD BE EXPECTED.

2B. PINTO OUTLINED TERMS OF CAB.12 AS SEEKING TO ACHIEVE
SECURITY OF TENURE, A FAIR RETURN ON INVESTMENTS MADE,
MAXIMIZING BENEFITS TO THE AUTHORITY, AND ELABORATING
OBJECTIVE CRITERIA FOR RULES AND REGULATIONS TO BE
PROMULGATED BY AUTHORITY. ALSO INDICATED DOCUMENT L.7
WAS INSPIRATION OF CAB.12. PINTO SUGGESTED TWO BASIC
ISSUES REMAIN OUTSTANDING: USSR PROPOSALS ON RESERVA-
TION OF AREAD (L.12), AND BANKING SYSTEM PROPOSED IN

Comm. I ✓
Group of 77
Many Countries

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INFORMAL WORKING GROUP. HE SAID EFFORTS ARE CONTINUING TO RECONCILE VIEWS OF CAB.12, AND IMPORTANCE OF MACHINERY TO NEGOTIATION ON BASIC CONDITIONS WAS EVIDENT.

3. PERU REP (DESOTO) PRESENTED POSITION OF GROUP OF 77. HE BEGAN BY CHARACTERIZING CAB.12 AS APPLICABLE ONLY TO CONTRACTUAL JOINT VENTURES WHILE POSITION OF 77 IS THAT AUTHORITY SHOULD HAVE BROAD FLEXIBILITY TO USE OTHER MODALITIES AND MUST EXERCISE DIRECT AND EFFECTIVE CONTROL AT ALL TIMES. US REP. (CI) (RATINER) LATER STATED FOR THE RECORD THAT CAB.12 DOES NOT IN ITS ENTIRETY DEAL EXCLUSIVELY WITH CONTRACTUAL JOINT VENTURES.

4. ON MACHINERY, PERU REP INDICATED AUTHORITY SHOULD HAVE AN ASSEMBLY, COUNCIL, OPERATIONAL ORGAN, AND DISPUTE SETTLEMENT MECHANISM.

4A. THE ASSEMBLY WOULD BE COMPOSED OF ALL MEMBERS, MEET ANNUALLY, ESTABLISH GENERAL POLICY AND GUIDELINES FOR AUTHORITY'S FUNCTIONING, BE THE QTE SUPREME ORGAN OF THE AUTHORITY UNQTE, POSSESS ALL POWERS NOT SPECIFICALLY GIVEN TO OTHER ORGANIS, AND WOULD ACT BY TWO-THIRDS MAJORITY PRESENT AND VOTING.

4B. COUNCIL WOULD BE SMALLER ORGAN, EXECUTIVE BODY OF AUTHORITY, MEET ON A PERMANET STANDING BASIS AND TAKE MAIN DECISIONS, INCLUDING THOSE RELATING TO ARTICLE 9 OF REGIME. COUNCIL WOULD AUTHORIZE ANY DIRECT EXPLOITATION BY AUTHORITY AND ANY CONTRACTS WITH OTHR ENTITIES FOR EXPLOITATION. COMPOSITION OF COUNCIL WOULD BE PRIMARILY ON BASIS OF EQUITABLE GEOGRAPHICAL REPRESENTATION, BUT TAKING ACCOUNT OF UDE REPRESENTATION OF SPECIAL INTERESTS INVOLVED OR SPECIALLY AFFECTED BY ACTIVITIES IN THE INTERNATIONAL SEABED ARE. 77 REJECT ANY VETO SYSTEM IN COUNCIL, PERMANENT MEMBERS OR WEIGHTED VOTING.

4C. OPERATIONAL ORGAN, CALLED THE NETERPRISE, WOULD BE SMALL EXPERT DOBY TO UNDERTAKE ACTIVITIES UNDER ARTICLE 9, ENTER INTO CONTRACTS OR ASSOCIATIONS REGARDING ACTIVITIES IN AREA AND RELATED ACTIVITIES, AND WOULD BE SUPERVISED BY COUNCIL.

5. PERU REP INDICATED QUESTION OF ADVERSE EFFECTS OF SEABED PRODUCTION ON LAND-BASED PRODUCERS OF METALS FOUND ON SEABED WOULD BE DISCUSSED LATER. (77 HAD NOT

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BEEN ABLE TO AGREE ON THIS ISSUE DUE TO SPLIT BETWEEN
 CONSUMERS AND PRODUCERS.) SUBSEQUENTLY, ZAMBIA,
CHILE, GUATEMALA, MOROCCO AND OTHERS EMPHASIZED NEED FOR
 PLANNING COMMISSION TO CONTROL PRODUCTION, WHILE SUB-
 s 1481818 39 ~~77~~ POSITION.

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C O N F I D E N T I A L

LIMITED OFFICIAL USE SECTION 2 OF 2 GENEVA 3194
FROM USDEL LOS

6. STATEMENTS CONTINUED APRIL 28 WITH US REP (CI) (RATINER) GIVING STATEMENT ON BEHALF OF US AND OTHER DEVELOPED COUNTRIES. US REP (CI) SET FORTH TWELVE CRITICAL ELEMENTS TO BE ACCOMMODATED TO SATISFACTION OF ALL IF SINGLE TEXT IS TO BE VIEWED AS BASIS FOR FURTHER NEGOTIATIONS. THESE ELEMENTS INCLUDED LIMITING COMPETENCE OF AUTHORITY TO ACTIVITIES DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION OF RESOURCES OF INTERNATIONAL AREA; LIMITING POWERS AND FUNCTIONS OF AUTHORITY AND ITS ORGANS TO THOSE EXPRESSLY PROVIDED; BALANCED POWERS AND DECISION-MAKING PROCEDURES IN ASSEMBLY TO RESPECT ESSENTIAL RIGHTS OF SMALLER GROUPS OF MEMBERS WITH MECHANISM TO POSTPONE DECISIONS IF MINORITY WISH TO SEEK ADVICE OF DISPUTE SETTLEMENT ORGAN AS TO LEGALITY OF CONTEMPLATED MEASURES; COUNCIL STRUCTURE RECOGNIZING SPECIAL INTERESTS OF CERTAIN STATES WITH VOTING ARRANGEMENTS TO PROTECT CRITICAL INTERESTS OF STATES; FUNDAMENTAL RESOURCE POLICIES ELABORATED IN BASIC CONDITIONS WITH CIRCUMSCRIBED PROCEDURE FOR PROMULGATING RULES AND REGULATIONS; EXCLUSIVE COUNCIL MANDATE TO EXERCISE AUTHORITY'S POWERS AND FUNCTIONS RELATING TO EXPLORATION AND EXPLOITATION; THREE SEPARATE TECHNICAL EXPERT COMMISSIONS FOR RULE MAKING, SUPERVISION AND CONTRACTING FUNCTIONS UNDER COUNCIL'S SOLE SUPERVISION; EFFECTIVE DISPUTE SETTLEMENT MACHINERY; SECRETARIAT SUBJECT TO CONFLICT OF INTEREST PROVISIONS OF TREATY AND PENALTIES; SELF-SUFFICIENT FINANCING OF AUTHORITY WITH BORROWING POWER DURING INITIAL YEARS; AND PROVISIONAL APPLICATION.

7. CHAIRMAN PROCEEDING NOW TO DRAFT SINGLE TEXT. COPY OF US STATEMENT POUCHED TO DEPT. ABRAMS

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TO SECSTATE WASHDC 2611
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C O N F I D E N T I A L GENEVA 3193
FROM USDEL LOS
E.O. 11652: GDS
TAGS: PLOS

SUBJECT: LOS: C-I INFORMAL WORKING GROUP MEETING APRIL 25, 1975
SUMMARY: COMMITTEE I (CI) WORKING GROUP APRIL 25 HEARD GROUP OF
77 POSITION ON DRAFT SINGLE TEXT BASIC CONDITIONS, U.S. RESPONSE
PROVOKED HEATED DEBATE, PRIVATE CONTACTS WITH GROUP OF 77 LEADER-
SHIP SUGGEST MEETING MAY HAVE HELPED TO ENCOURAGE GROUP OF 77 TO
CONTINUE WORKING UNTIL END OF SESSION. END SUMMARY.

1. CI INFORMAL WORKING GROUP UNDER CHAIRMANSHIP OF PINTO (SRI
LANKA) MET APRIL 25 TO CONTINUE EXCHANGE OF VIEWS ON INFORMAL
DOCUMENT CAB.12, DRAFT SINGLE TEXT ON BASIC CONDITIONS, WORKING
GROUP HAD NOT MET FOR FOUR DAYS TO ALLOW 77 TO COORDINATE THEIR
POSITION.


2. PERU/REP (DESOTC) PRESENTED POSITION OF GROUP OF 77. GROUP
FLATLY REJECTED USSR PROPOSAL ON RESERVATION OF AREAS, WHICH HAD
BEEN INCORPORATED IN SUBSTANCE FROM C.1/L.12. GROUP QTE COULD NOT
SUPPORT UNQTE SUBSTANCE OF U.S. BANKING SYSTEM FOR RESERVATION OF
AREAS AS PRESENTED IN PARAS. 7 AND 19 OF CAB.12. THE IDEA OF
FINDING METHOD TO PROVIDE AUTHORITY WITH MORE DATA ON THE AREA
WAS NOT EXCLUDED, LEAVING SLIGHT ROOM FOR USING PART OF BANKING
IDEA. GROUP INSISTED THAT ENTIRE AREA SHOULD BE SUBJECT TO SAME
BASIC PRINCIPLES AS INCLUDED IN REGIME ARTICLES. GROUP WOULD GO
ALONG WITH ADDING CRITERIA TO BASIC CONDITIONS IN CAB.12 BASED ON
C.1/L.7, BUT THOUGHT CRITERIA IN PARAS. 16-21 OF CAB.12 WERE TOO
FAVORABLE TO CONTRACTOR AND RECOMMENDED KEEPING ONLY TITLES OF
PARAGRAPHS FOR TIME BEING. GROUP ALSO CONSIDERED LIST OF AREAS
IN WHICH RULES AND REGULATIONS WOULD BE PROMULGATED BY THE AUTHORITY
TO BE NON-EXHAUSTIVE, AND THOUGHT PARA. 8 ON CRITERIA FOR ACCESS
TO THE AREA GAVE AUTHORITY TOO LITTLE DISCRETION. PERU REP. CON-
CLUDED BY EMPHASIZING GROUP OF 77 REMAINED OPEN TO A DIALOGUE
AND DOOR WAS OPEN FOR NEGOTIATION TO MEET LEGITIMATE NEEDS OF
ALL STATES.

3. PINTO SUMMARIZED GROUP OF 77 POSITION AND HIGHLIGHTED MOVE-
MENT OF GROUP IN THAT ELABORATION OF CRITERIA IN BASIC CONDITIONS

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C O N F I D E N T I A L

Geneva

Comm. I ✓
Group of 77 ✓
Many Countries ✓

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WOULD NOW BE ACCEPTABLE, SUBJECT TO MODIFICATION. PINTO ALSO AGREED WITH PERU REP. STATEMENT THAT BASIC CONDITIONS WOULD APPLY TO CONTRACTUAL JOINT VENTURES, LEAVING OTHER MODALITIES (I.E., SERVICE CONTRACTS) UNRESOLVED ISSUE.

4. U.S. C-I REP (RATINER) INTERVENED TO EXPRESS PROFOUND DIS-APPOINTMENT OF U.S. DEL THAT COMPROMISES OFFERED BY DEVELOPED COUNTRIES WERE REJECTED IN THREE CRITICAL RESPECTS. U.S. C-I REP INDICATED IT WAS TOO LATE IN NEGOTIATION FOR DOORS TO BE OPENED FOR NEGOTIATION AND VIEWS OF LARGE NUMBERS OF DEVELOPED STATES TO BE REJECTED. DEVELOPED COUNTRIES HAD HOPED BREAK IN WG MEET-INGS TO ALLOW 77 TO COORDINATE WOULD RESULT IN EFFORTS TO MEET HALFWAY, BUT STATEMENT INDICATED 77 HAD NOT MOVED IN CONCEPTUAL TERMS FROM POSITION IN CARACAS. U.S. C-I REP SPECIFICALLY EMPHASIZED NEED TO ELABORATE CRITERIA IN BASIC CONDITIONS NOW.

5. CHINA, BRAZIL, PERU, TANZANIA, TRINIDAD AND TOBAGO, BARBADOS AND ALGERIA INTERVENED TO EXPRESS IN STRONG TERMS SUPPORT FOR 77 POSITION AND EXPRESS CONSTERNATION AND SURPRISE AT U.S. STATEMENT. STRONGEST ATTACK WAS ON CONCEPT OF SPLITTING AREA FOR MULTI-NATIONALS AND STATES IN ONE PART AND AUTHORITY IN OTHER PART. 77 CLAIMED THEY HAD MADE REAL CONCESSIONS WHILE DEVELOPED COUNTRIES HAD NOT MADE SIGNIFICANT CONCESSIONS.

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TO RUEHC/SECSTATE WASHDC 2610
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UNCLAS GENEVA 3192
FROM USDEL LOS
E.O. 11652: N/A
TAGS: PLOS

SUBJECT: LOS: GENERAL COMMITTEE MEETING OF 2 MAY

1. SUMMARY: GENERAL COMMITTEE APPROVED CONCEPT OF HOLDING INFORMAL CONSULTATIONS AND NEGOTIATIONS DURING INTERSESSION AND UN WILL PROVIDE SUPPORT SERVICES AS AVAILABLE IN NEW YORK OR GENEVA. DATE AND VENUE OF NEXT SESSION WAS DISCUSSED BUT NO DECISION WAS TAKEN. IT WILL BE CONSIDERED AGAIN 7 MAY. IN ABSENCE OF INVITATION BY ANY LDC TO HOST CONFERENCE N.Y. OR GENEVA APPEAR INEVITABLE, END SUMMARY.

2. LOS CONFERENCE PRESIDENT (AMERASINGHE) CHAIRED GENERAL COMMITTEE (GC) SESSION 2 MAY TO CONSIDER TWO AGENDA ITEMS: (A) DATE AND VENUE OF NEXT SESSION AND, (B) INTER-SESSIONAL WORK,

3. A. NEXT SESSION: ACCORDING TO UN SECRETARIATE (RUTLEDGE) IF IT IS DECISION OF CONFERENCE TO MEET EARLY IN 1976 THE FOLLOWING SCHEDULES ARE AVAILABLE WITHOUT SERIOUS DISRUPTIONS OF EXISTING COMMITMENTS TO OTHER MEETING:

--GENEVA 19 JAN - 5 MAR (7 WEEKS)

--NEW YORK 2 FEB - 9 APR (8 WEEKS)

AND POSSIBLE EXTENSION WITH REDUCED FACILITIES UNTIL 23 APRIL.

4. REMARKS BY REPS OF REGIONAL GROUPS REVEALED THAT FEW HAD FOCUSED SERIOUSLY ON ISSUE SO AMERASINGHE ALLOWED MORE TIME FOR CONSULTATION ON QUESTION OF VENUE AND TIMING AND GC WILL MEET AGAIN ON 7 MAY TO CONSIDER ISSUE. AFRICAN, ASIANS AND LAS STILL PREFER HOLDING CONFERENCE IN LDC BUT THERE HAVE BEEN NO OFFERS YET BY ANY LDC TO BE HOST. AMB. STEVENSON STATED U.S. CONCERN ABOUT LENGTH OF SESSION, (8 WEEKS IS MINIMUM), AND SAID THAT POSSIBILITY SHOULD EXIST FOR EXTENSION IF NECESSARY.

5. B. INTERSESSIONAL WORK. AMERASINGHE URGED GC TO APPROVE CONCEPT OF INFORMAL CONSULTATIONS AND NEGOTIATIONS WITHIN AND AMONG GROUPS. NO MANDATE WAS REQUESTED BUT EARLY NOTIFICATION BY GROUPS TO SECRETARIAT WAS ASKED FOR PLANNING PURPOSES. WITH EXCEPTION OF PERU ALMOST ALL GC MEMBERS AGREED TO THIS PROPOSAL IN

Geneva

General Comm.

Procedural

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PRINCIPLE, IT WAS FURTHER AGREED THAT SECRETARIAT WOULD RECEIVE AND DISTRIBUTE ANY COMMENTS BY GOVERNMENTS ON THE SUBSTANCE OF THE UNIFIED TEXTS.

6. AMB. STEVENSON SUPPORTED HOLDING NEXT SESSION AS SOON AS POSSIBLE AND, TO SUSTAIN MOMENTUM, HE URGED LOGISTIC SUPPORT FOR INTER-SESSIONAL WORK. HE SAID THAT SUCH WORK IS PARTICULARLY IMPORTANT SINCE THE UNIFIED TEXTS WILL CHANGE THE CHARACTER OF THE NEXT SESSION. CONSULTATIONS COULD PROVIDE OPPORTUNITIES TO AGREE ON SINGLE AMENDMENTS RATHER THAN BE FACED WITH A PROLIFERATION OF AMENDMENTS, FURTHER, MORE EFFICIENT WORK AT NEXT SESSION COULD BE EXPECTED IF RESULTS OF WORK OF INFORMAL GROUPS COULD BE AVAILABLE AT ITS OPENING RATHER THAN DEVELOPED DURING THE CONFERENCE SESSION ITSELF.

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Geneva

Comm. I, II, & III

US ✓
USSR ✓
Pakistan ✓
Evensen Group ✓
Group of 77 ✓
West Germany &
Many other
countries ✓

102

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UNCLAS GENEVA 3191
DEPT PASS ALL DIP POSTS
FROM LOS DELEGATION
EO 116521 NA
TAGS: PLOS

SUBJ: UNCLASSIFIED WEEKLY SUMMARY, WEEK ENDING MAY 2
1. SUMMARY: WORKING GROUPS CONTINUED MEETING DURING WEEK
ALTHOUGH PACE IS WINDING DOWN AS CONFERENCE AWAITS SINGLE
TEXTS FROM CHAIRMEN OF THE THREE COMMITTEES NOW EXPECTED
TO BE GIVEN TO CONFERENCE PRESIDENT TUESDAY. PRESENT
EXPECTATION IS THAT CONFERENCE WILL END WITH PLENARY
SESSION FRIDAY MORNING MAY 9, WITH SINGLE TEXT DISBRIBUTED
THEN WITHOUT DEBATE. END SUMMARY
2. COMMITTEE I (DEEP SEABEDS) HELD THREE FORMAL SESSIONS
TO CONSIDER ISSUES IN MACHINERY ARTICLES, A SUBJECT THAT
HAD NOT PREVIOUSLY BEEN DISCUSSED ON RECORD AT LOS CON-
FERENCE. DEVELOPING COUNTRIES SPEECHES GENERALLY FOLLOWED
GROUP OF 77 POSITION THAT NOW INCLUDES CONCEPT OF SPECIAL
INTEREST REPRESENTATION ON COUNCIL AND LOCATION OF MOST
SPECIFIC POWERS, AS WELL AS SUPERVISORY FUNCTION OVER
ENTERPRISE IN COUNCIL. US DELIVERED STATEMENT THAT
STRESSED NEED FOR CHECKS AND BALANCES IN MACHINERY, PRO-
TECTION OF MINORITY INTERESTS AND RESTRICTIONS ON ASSEMBLY'S
POWERS.
3. CI WORKING GROUP HELD ONE MEETING TO DISCUSS GROUP OF
77 POSITION ON CHAIRMAN'S DRAFT OF BASIC CONDITIONS,
77 SPOKESMAN FLATLY REJECTED USSR PROPOSAL FOR RESERVING
AREAS EXCLUSIVELY FOR STATES AND CRITICIZED, BUT DID NOT
REJECT, US PROPOSAL FOR BANKING SCHEME. SINGLE TEXT OF
REGIME AND MACHINERY ARTICLES NOW UNDER PREPARATION AND
PRIVATE CONSULTATIONS ON IT ATE EXPECTED TO CONTINUE
UNTIL MIDDLE OF NEXT WEEK.
4. COMMITTEE II: INFORMAL CONSULTATIVE GROUPS ON SPECIFIC
ISSUES CONTINUED DELIBERATIONS DURING PAST WEEK.

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CUSSION ON ECONOMIC ZONE EXHAUSTED LIST OF SPEAKERS AFTER TWO SESSIONS. NO DETAILED DISCUSSIONS OF VARIOUS PROVISIONS IN MAIN TRENDS PAPER ON THIS ISSUE TOOK PLACE. TWO SESSIONS ON INNOCENT PASSAGE IN TERRITORIAL SEA DID ALLOW FOR COMPLETE CONSIDERATION OF THESE PROVISIONS IN MAIN TRENDS PAPER. SUBSTANTIVE DIFFERENCES STILL EXIST ALTHOUGH GROUP DID ENDORSE NUMBER OF UNCONTROVERSIAL PROVISIONS. CONSIDERATION OF HIGH SEAS PROVISIONS WAS COMPLETED WITH PRINCIPAL ISSUE OF WHETHER ECONOMIC ZONE WILL OR WILL NOT BE HIGH SEAS, NOT DISCUSSED. MEETING ON ISLANDS PROBLEMS INDICATED POLARIZATION BETWEEN THOSE STATES SUPPORTING FULL MARITIME JURISDICTIONAL ENTITLEMENT FOR ALL TERRITORY REGARDLESS SIZE OR POPULATION AND THOSE FAVORING DIFFERENTIAL TREATMENT BASED ON VARIOUS FACTORS. SESSIONS ON LANDLOCKED STATES DESIRE FOR FREE TRANSIT TO SEA ENDED IN DEADLOCK. LANDLOCKED STATES FROM ALL REGIONS STRONGLY PRESSED CASE FOR INTERNATIONAL RECOGNITION OF RIGHT TO HIGH SEAS AND COMMON HERITAGE AREAS. TRANSIT STATES, PARTICULARLY PAKISTAN, REMAINED ADAMANT IN OPPOSITION TO SUCH RECOGNITION. DISCUSSION ON ENCLOSED AND SEMI-ENCLOSED SEAS ENDED IN CONFUSION WITH NO AGREEMENT ON DEFINITIONAL PROVISIONS. STRAITS DISCUSSION WAS LARGELY REITERATION OF PRIOR POSITIONS OF MARITIME STATES AND STRAITS STATES. HOWEVER, LARGE MAJORITY OF STATES PARTICIPATING SPOKE IN FAVOR OF UNIMPEDED TRANSIT OF INTERNATIONAL STRAITS AND TREND IS NOW STRONGLY IN FAVOR OF UNIMPEDED TRANSIT.

5. EVENSEN GROUP HELD THREE SESSIONS ON CONTINENTAL MARGIN, DISCUSSING ALTERNATIVE (A) OF ARTICLE 26 (POUCH DEPT), ATTEMPTING TO DEFINE THE MARGIN AND WAYS OF DELIMITING IT AND ESTABLISHING BOUNDARY REVIEW COMMISSION. DRAFT WAS SUPPORTED BY SEVERAL WIDE MARGIN STATES PLUS TRINIDAD AND TOBAGO, WEST GERMANY, SINGAPORE, JAPAN, AND SOME OTHERS WHICH SEEMED WILLING ACCEPT NATURAL PROLONGATION OF LAND MASS, BEYOND 200 MILES, AS PART OF THE SHELF REGIME. HOWEVER, THEY CRITICIZED VAGUENESS OF DEFINITION. NIGERIA STRONGLY OPPOSED EXTENSIONS BEYOND 200 MILES AND REFERRED TO POSITION OF OAU. USDEL OPPOSED DEFINITION ON GROUNDS THAT IT WAS TOO IMPRECISE AND WOULD GIVE COASTAL STATE JURISDICTION OVER ENTIRE

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NC 54477

TOR:051510Z MAY 75

RIGHTS OUT TO GREAT DISTANCES. US INTRODUCED AMENDMENT FOCUSING ON DELIMITATION OF SUBMERGED PROLONGATION OF LAND MASS. CHILE INTRODUCED ANOTHER AMENDMENT WITH THRUST IN SAME DIRECTION. AMB STEVENSON MADE PRESENTATION IN EVENSEN GROUP AND ALSO AT BRIEF PRESS CONFERENCE WEDNESDAY ON REVENUE SHARING AS MEANS OF ACCOMMODATING INTERESTS OF BROAD MARGIN STATES IN JURISDICTION OVER THE MARGIN BEYOND 200 MILES WITH INTERESTS OF OTHER STATES WHICH OPPOSE ANY EXTENSION OF JURISDICTION BEYOND 200 MILES. AS TO METHODS, HE STATED THAT ON BALANCE US PREFERRED SYSTEM OF PRODUCTION PAYMENTS ON VALUE OF RESOURCE AT WELL-HEAD AND INDICATED THAT FOR PRELIMINARY DISCUSSION US HAS SUGGESTED FIGURE OF ONE PERCENT ESCALATING OVER A PERIOD OF YEARS TO FIVE PERCENT, WITH NO PAYMENT IN FIRST FIVE YEARS IN ORDER TO PERMIT RECOVERY OF INITIAL COSTS. HE NOTED DIFFICULTIES WITH SYSTEM OF PROFIT SHARING INCLUDING NECESSITY OF UNIFORM ACCOUNT SYSTEM TO ASSESS COSTS ON UNIFORM BASIS, ENDORCEMENT, UNCERTAINTY OF PAYMENT, AND DIFFERENCES OVER CONCEPT OF PROFIT. NEW ZEALAND PROPOSED REVENUE SHARING ON BASIS OF PROFIT SHARING. AUSTRALIA STRONGLY OPPOSED REVENUE SHARING ON GROUNDS IT ALREADY HAS SOVEREIGN RIGHTS OVER THE AREA. SOVIET UNION OPPOSED REVENUE SHARING ON GROUNDS IT WOULD NOT BE POSSIBLE IN SOCIALIST SYSTEMS. SEVERAL DEVELOPING COUNTRIES SAID REVENUE SHARING SHOULD NOT APPLY TO THEM.

6. COMMITTEE III: (A) MARINE POLLUTION: IN THE TWO WORKING GROUP MEETINGS ON THE DUMPING ARTICLE, AGREEMENT WAS REACHED ON THREE PARAGRAPHS, CALLING FOR THE ESTABLISHMENT OF BOTH NATIONAL AND INTERNATIONAL STANDARDS TO PREVENT POLLUTION FROM DUMPING, AND PROVIDING FOR "EXCLUSIVE" COASTAL STATE AUTHORIZATION OF DUMPING OFF ITS COASTS, WITHIN UNSPECIFIED LIMITS TO BE NEGOTIATED AT A LATER TIME. FOOTNOTES TO THE AGREED TEXT INDICATE THAT "DUMPING" IS INTENDED TO HAVE THE SAME SCOPE AS IT DOES IN THE 1972 DUMPING CONVENTION, AND THAT THE USE OF THE TERM "EXCLUSIVE" IS NOT INTENDED TO LIMIT THE JURISDICTION OF PORT OR COASTAL STATE TO ESTABLISH STRICTER OR ADDITIONAL CONDITIONS ON DUMPING WITHIN THE AREAS WHERE COASTAL STATES HAVE JURISDICTION.

(B) MARINE SCIENTIFIC RESEARCH: DISCUSSION CONCLUDED

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PAGE 04-04

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ON TIEM RELATING TO RESPONSIBILITY AND LIABILITY WITH A TEXT WORKED OUT BY AN INFORMAL NEGOTIATING GROUP. DISCUSSION THEN MOVED TO DISCUSSION OF L.12, THE GROUP OF 77 TEXT ON TECHNOLOGY TRANSFER. NUMEROUS AMENDMENTS WERE OFFERED BY DEVELOPED COUNTRIES WHICH WILL BE CONSIDERED AT AN INFORMAL NEGOTIATING GROUP. METTERNICH CHAIRMAN OF THE INFORMAL SESSIONS ON MARINE SCIENTIFIC RESEARCH, RETURNED TO GERMANY BECAUSE OF A DEATH IN HIS FAMILY. IN HIS ABSENCE, FEW INFORMAL CONSULTATIONS HAVE OCCURRED.

8. DISPUTE SETTLEMENT: WORKING GROUP ON DS COMPLETED ITS WORK FOR SESSION WITH ADOPTION OF FOUR AGREED INTRODUCTORY ARTICLES AND TWO ANNEXES. ONE ANNEX SETS FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER; SECOND ANNEX PROVIDES ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH WITH DIFFERENT PROCEDURES FOR DIFFERENT ELEMENTS OF TREATY. PROCEDURES INCLUDE CONCILIATION ARBITRATION AND LOS TRIBUNAL.
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TO RUEHC/SECSTATE WASHDC 2605
INFO RUDKBT/AMEMBASSY RABAT 229
RUDKMDQ/AMEMBASSY MADRID 818
RUEHDT/USUN NEW YORK 1634
BT

C O N F I D E N T I A L GENEVA 3185

FROM USDEL LOS
EO 11652: GDS

TAGS: PLOS

SUBJ: LOS: MOROCCAN INTERVENTION ON STRAITS AND
ON ENCLAVES

1. IN SOMEWHAT RAMBLING DISCOURSE, MOROCCAN CHIEF
OF DELEGATION GHARBI ATTACKED SPANISH PRESENCE IN
ENCLAVES OF CEUTA AND MELILLA. HE POINTED OUT
SPANISH ENCLAVES WITHIN MOROCCAN TERRITORY HAD
STATUS IDENTICAL TO ISLAND OF GIBRALTAR. GHARBI
REFERRED TO VIOLATION OF MOROCCAN TERRITORIAL SEA BY
SPANISH NAVAL VESSELS WHICH ATTACKED PATROL BOATS OF
MOROCCO. HE STATED SPANISH COULD CONTROL STRATEGIC
TRAFFIC THROUGH GILBRALTAR BY ESTABLISHING INTER-
CEPTION LINES BETWEEN SPANISH MAINLAND AND ENCLAVES.
WHILE MOROCCO SUPPORTED INNOCENT PASSAGE OF STRAITS,
THEY HAD NO AMBITION TO "LORD OVER" MARITIME TAFFIC.
GHARBI STATED THAT COLONIAL OCCUPATION OF NECLAVES
CONSTITUTED PERMANENT SECURITY THREAT TO MOROCCO.
AT THE SAME TIME, HE INDICATED THAT IF THERE WAS NO
HARM, "THERE WAS NO NEED FOR CONSTRAINTS" IN CON-
NECTION WITH THE STRAIT OF GIBRALTAR. SPANISH
EXERCISED RIGHT OF REPLY; IN LOW-KEY FASHION,
THEY INDICATED THAT THEY RESERVED THEIR POSITION.

2. COMMENT:

THIS IS FIRST PUBLIC INDICATION BY MOROCCO OF FLEX-
IBILITY ON STRAITS PASSAGE. MOROCCO'S ATTACK ON
SPANISH WAS OBVIOUSLY INTENDED TO CONVEY MESSAGE
THAT MOROCCANS NO LONGER HOLD IDENTICAL VIEWS WITH
SPANISH ON REGIME OF PASSAGE IN STRAITS OF GIBRALTAR.
DELEGATION BELIEVES THAT INTERVENTION ON THE RECORD
WILL MAKE IT MORE DIFFICULT FOR ARAB STATES TO

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PAGE 02-02

NC 54336

TOR:051221Z MAY 75

LEND UNQUALIFIED SUPPORT FOR HARD-LINE SPANISH
POSITION THAT ONLY EXISTING REGIME OF INNOCENT
PASSAGE SHOULD APPLY TO STRAITS OF GIBRALTER,
ABRAMS

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C O N F I D E N T I A L GENEVA 3176

FROM US DEL LOS

DEPT PASS ALL DIPLOMATIC POSTS

EO 11652: NA

TAGS: PLOS

SUBJ: CLASSIFIED SUMMARY

SUMMARY: WHILE SOME WORKING GROUP MEETINGS CONTINUED DURING WEEK PRINCIPAL EFFORT WAS DIRECTED TOWARD ENSURING BEST POSSIBLE OUTCOME IN DRAFTING OF CHAIRMAN'S TEXTS IN EACH COMMITTEE. CONFERENCE PRESIDENTS PRESENT PLAN IS TO RECEIVE TEXTS FROM COMMITTEE CHAIRMAN ON TUESDAY, WHICH WILL THEN REQUIRE TWO DAYS FOR TRANSLATION, AND THEY WILL THEN BE DISTRIBUTED WITHOUT DEBATE AT PLENARY FRIDAY.

2. COMMITTEE I (DEEP SEABEDS):

IN ADDITION TO COMMITTEE I (CI) FORMAL MEETINGS ON MACHINERY, CI LEADERSHIP HAS BEEN INVOLVED THIS WEEK IN REVIEWING DRAFT SINGLE TEXT PREPARED BY PINTO (CI WORKING GROUP CHAIRMAN) AND IN PROPOSING AMENDMENTS. GROUP OF 5 HELD SEVERAL MEETINGS TO COORDINATE COMMENTS ON PAPER, ALTHOUGH USSR DEL DECLINED TO JOIN IN PROCEDURE OF SUBMITTING COMMON AMENDMENTS. (FRANCE, UK AND JAPAN AGREED IN GENERAL WITH US AMENDMENTS TO PINTO PAPER AND SUBMITTED SEPARATELY ONLY A FEW SPECIFIC CHANGES). PRIVATE NEGOTIATIONS ON ARTICLE 9 (EXPLOITATION SYSTEM) AMONG LDC LEADERSHIP RESULTED IN NO NEW PROPOSALS AND DEL NOW CONSIDERS IT UNLIKELY THAT ANY SERIOUS NEGOTIATION WILL OCCUR FOR REMAINDER OF SESSION.

3. COMMITTEE II (TERRITORIAL SEA, ECONOMIC ZONE):

ARCHIPELAGOES: ON MONDAY, CHAIRMAN GALINDO POHL CONVENED GROUP CONSISTING OF US, UK, USSR, INDONESIA, FIJI, AND BAHAMAS TO DISCUSS POSSIBLE ARCHIPELAGIC

ACCOMMODATION. DISCUSSION REVEALED THAT INDONESIA WAS

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PAGE 02

NC 54311

TOR:051204Z MAY 75

STICKING TO PRESENT HARD LINE, AT SECOND MEETING GROUP WAS EXPANDED TO INCLUDE JAPAN, MAURITIUS, PHILIPPINES AND PAPUA NEW GUINEA, PHILIPPINES AND TO SLIGHTLY LESSER EXTENT INDONESIA TOOK ADAMANT POSITION SUPPORTING DRAFT PREPARED BY THEM. US AND OTHER MARITIME STATES TOOK UNITED AND FIRM POSITION ON OBJECTIVE DEFINITIONAL AND REGIME PRINCIPLES. BAHAMAS INTRODUCED DRAFT CONTAINING 18 PRINCIPLES WHICH CLEARLY EMBODIED MIDDLE-OF-ROAD POSITION. STRAITS: PUBLIC STRAITS DISCUSSION REVEALED STRONG SENTIMENT FOR UNIMPEDED PASSAGE ALTHOUGH QMAN, YEMEN AND SPAIN TOOK EXPECTED (UNYIELDING) POSITIONS IN FAVOR OF INNOCENT PASSAGE. INDIA, LIBERIA, BAHAMAS AND SEVERAL ARAB STATES SPOKE IN FAVOR OF UNIMPEDED PASSAGE IN STRAITS. CONTINENTAL MARGIN: US HAS BEEN WORKING WITH CANADA, NORWAY, ARGENTINAY AUSTRALIA, AND NEW ZEALAND TO FIND ACCEPTABLE DEFINITION FOR CONTINENTAL MARGIN BEYOND 200 MILES. WHILE NO AGREEMENT HAS BEEN REACHED, WE DO BELIEVE THAT CONCERNED STATES ARE NOT FAR APART. REACTION TO US PROPOSAL FOR REVENUE SHARING BEYOND 200 MILES WHICH IS COUPLED WITH COASTAL STATE CONTINENTAL SHELF JURISDICTION BEYOND 200 MILES HAS BEEN GENERALLY FAVORABLE. VIEW IS GROWING THAT REVENUE-SHARING PROVIDES ONLY BASIS FOR ACCOMMODATING VIEWS OF THOSE WHO WISH TO HALT COASTAL STATE JURISDICTION AT 200 MILES AND THOSE WHO INSIST ON RETAINING RIGHTS TO BROAD CONTINENTAL MARGIN. WE UNDERSTAND SINGLE TEXT ON COMMITTEE II ISSUES IS NEARLY COMPLETED AND CHAIRMAN WILL BE ADDING HIS PERSONAL INPUT OVER WEEKEND, BUT IS UNDER VERY HEAVY PRESSURE ON SUBSTANCE FROM MANY DELS. CURRENT PLAN IS TO SUBMIT FINAL TEXT TO PRESIDENT AMERASINGHE NEXT TUESDAY.

4. COMMITTEE III (MARINE POLLUTION):

PRIVATE NEGOTIATING GROUP COMPLETED WORK ON OCEAN DUMPING ARTICLE WHICH WILL NOW GO TO LARGE WORKING GROUP. ARTICLE INCLUDES ALTERNATE TEXT ON APPLICATION TO THE COASTAL STATE OF INTERNATIONAL STANDARD BECAUSE OF INDIAN INSISTENCE ON NOT BEING BOUND BY

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PAGE 03-03

NC 54311

TOR:051204Z MAY 75

SUCH STANDARDS. EVENSEN GROUP COMPLETED DISCUSSIONS ON VESSEL SOURCE POLLUTION, STANDARD SETTING, AND FLAG AND PORT STATES ENFORCEMENT. BROAD OPPOSITION TO COASTAL STATE STANDARD SETTING CLEAR WITH ONLY AUSTRALIA AND MEXICO SUPPORTING EVEN LIMITED COASTAL STATE RIGHTS. DISCUSSIONS ON PART STATE ENFORCEMENT ELICITED STRONG SUPPORT FOR US POSITION THAT PORT STATE ACTION MAY BE TAKEN AGAINST DISCHARGE VIOLATIONS REGARDLESS OF WHERE THEY OCCUR. SUPPORT CAME FROM CANADA, AUSTRALIA, MEXICO, INDIA AND SOME OTHERS WITH A FEW MARITIME STATES INCLUDING THE UK, USSR, AND FRG IN OPPOSITION. EVENSEN GROUP WILL DISCUSS QUESTION OF COASTAL STATE ENFORCEMENT MONDAY.

5. WORKING GROUP ON DISPUTE SETTLEMENT COMPLETED ITS WORK FOR SESSION. WORK PRODUCT TO BE SENT TO CONFERENCE PRESIDENT AND CONSISTING OF FOUR AGREED INTRODUCTORY ARTICLES ON DS AND TWO ANNEXES -ONE SETTING FORTH REMAINING ARTICLES FOR COMPREHENSIVE DS CHAPTER AND OTHER PROVIDING ILLUSTRATIVE PROVISIONS FOR FUNCTIONAL APPROACH - RESULTED FORM DIFFICULT, LAST MINUTE AGREEMENT WITH SOVIET UNION. IN PRIVATE DISCUSSIONS, SOVIETS TOOK POSITION (1) THAT SUBMISSION OF PROPOSED SINGLE TEXT WAS PREMATURE SINCE ONLY FOUR ARTICLES WERE GENERALLY ACCEPTED AND (2) THAT TEXT DID NOT REFLECT SOVIET VIEWPOINT. THEY RESTATED VIEW THAT DS SHOULD APPLY IN TWO INSTANCES: COMPULSORY ARBITRATION FOR FISHERIES DISPUTES AND TRIBUNAL FOR DEEP SEABED (ALTHOUGH SOVIETS STATED THEY WERE NOT REJECTING CDS ON OTHER ECONOMIC ZONE ITEMS). SIGNIFICANT DEVELOPMENT IN GROUP'S DISCUSSION OF AGREEMENT WAS CHILEAN-ARGENTINE (AND GROUP'S) REJECTION OF PERUVIAN EFFORT TO EXEMPT ALL DISPUTES ARISING UNDER CONVENTION WITHIN TERRITORIAL SEA, ECONOMIC ZONE AND CONTINENTAL SHELF FROM DS. IN REJECTING PERUVIAN FORMULA, ARGENTINA STATED THAT IT WOULD ACCEPT EXCEPTION FOR NAVIGATION FROM GENERAL DOMESTIC JURISDICTION EXCLUSION.

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NC 53883

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R 031300Z MAY 75
FM USMISSION GENEVA
TO SECSTATE WASHDC 2593
BT
UNCLAS GENEVA 3170
FROM USDEL LOS
E.O. 11652: NA
TAGS: PLOS

Geneva

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Evanson Amendment



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SUBJ: LOS: COMMITTEE II-U.S. AMENDMENT TO CONTINENTAL SHELF TEXT
1. FOLLOWING AMENDMENT PRESENTED AT EVENSEN GROUP MEETING
ON MAY 1: QUOTE-AMENDMENT TO ALTERNATIVE A OF ARTICLE 32
THIRD REVISION, CORR. 1
--THE COASTAL STATE SHALL MAKE PAYMENTS IN RESPECT
OF THE EXPLOITATION OF THE NON-LIVING RESOURCES OF THE
CONTINENTAL SHELF SEAWARD OF 200 NAUTICAL MILES FROM THE
BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA
IS MEASURED.
--THE RATE OF PAYMENT SHALL BE 1PCT OF THE VALUE OF
PRODUCTION AT THE SITE COMMENCING IN THE SIXTH YEAR OF
PRODUCTION, SHALL INCREASE BY 1PCT ANNUALLY FOR THE NEXT
FOUR YEARS OF PRODUCTION AT THAT SITE, AND SHALL BE 5PCT
THEREAFTER, PRODUCTION DOES NOT INCLUDE RESOURCES USED
IN CONNECTION WITH EXPLOITATION.
--ANNUAL PAYMENT SHALL BE MADE TO (THE AUTHORITY)
(INTERNATIONAL AND REGIONAL DEVELOPMENT ORGANIZATIONS
AFFILIATED WITH THE UNITED NATIONS), TO BE DISTRIBUTED
ON AN EQUITABLE BASIS FOR THE BENEFIT OF DEVELOPING
COUNTRIES. UNQUOTE. DALE

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PAGE 01

NC 53557

TOR:030740Z MAY 75

R 022136Z MAY 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2590
INFO RUKOBT/AMEMBASSY JAKARTA 191
RUMJMA/AMEMBASSY MANILA 231
RUEHCR/AMEMBASSY NASSAU 21
ZEN/AMEMBASSY SUVA UNN

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C O N F I D E N T I A L GENEVA 3167
FROM USDEL LOS
EO: 11652: GDS

TAGS: PLOS

SUBJ: LOS: MEETING ON ARCHIPELAGOS

1. A THIRD INFORMAL MEETING OF STATES ON THE QUESTION OF ARCHIPELAGOS WAS HELD ON APRIL 30 FOR THE PURPOSE OF AGAIN BRIEFING AMBASSADOR GALINDO POHL, COMMITTEE II CHAIRMAN, ON THE VITAL ISSUES OF DELEGATIONS. PRESENT WERE THE SAME EIGHT STATES WHO ATTENDED APRIL 29 MEETING: UNITED STATES, UNITED KINGDOM, SOVIET UNION, JAPAN, FIJI, INDONESIA, PHILIPPINES, AND THE BAHAMAS, AS WELL AS MAURITIUS AND PAPUA-NEW GUINEA.

2. INDONESIA BEGAN THE DISCUSSION, STATING THAT THE FOUR-POWER DRAFT SUBMITTED BY THE ARCHIPELAGIC STATES (INDONESIA, PHILIPPINES, FIJI, AND MAURITIUS) REPRESENTED CONSIDERABLE COMPROMISE ON THEIR PART, ADDING THAT THEY WERE OPEN TO ADDITIONS, DELETIONS OR ALTERATIONS. THE PHILIPPINES THEN INTERVENED WITH THEIR USUAL POSITION, I.E. THAT THEY TREATED ALL WATERS WITHIN ARCHIPELAGIC BASELINES AS INTERNAL WATERS OVER WHICH THE ARCHIPELAGIC STATE EXERCISES SOVEREIGNTY. THEY REPORTED THEY WERE WILLING TO GRANT INNOCENT PASSAGE TO COMMERCIAL VESSELS THROUGH CUSTOMARY NAVIGATIONAL ROUTES, BUT FOR NON-COMMERCIAL VESSELS, INCLUDING WARSHIPS, PASSAGE WOULD BE RESTRICTED TO SUITABLE SEA LANES, DESIGNATED BY THE ARCHIPELAGIC STATE, SUBJECT TO PRIOR NOTIFICATION AND CONSENT. PREVIOUS AUTHORIZATION AND CONSENT WOULD ALSO BE REQUIRED FOR ALL OVERFLIGHT OF THE ARCHIPELAGO.

3. MINISTER ADDERLEY OF THE BAHAMAS SUBMITTED A LIST OF 18 PRINCIPLES, BASED ON THE EARLIER BAHAMIAN DRAFT, OUTLINING BASICALLY THE U.S. POSITION ON REGIME OF ARCHIPELAGOS. JAPAN MADE A STRONG INTERVENTION, SUGGESTING THAT THERE SHOULD BE OBJECTIVE AND REASONABLE CRITERIA FOR DESIGNATING ARCHIPELAGOS, A LAND-WATER RATIO OF 1:5, A MAXIMUM LENGTH OF BASE LINES OF 80 NAUTICAL

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NC 53557

TOR:030740Z MAY 75

MILES, UNIMPEDED TRANSIT THROUGH TRADITIONAL ROUTES, AND INNOCENT PASSAGE THROUGH OTHER ARCHIPELAGIC WATERS, AND RECOGNITION BY THE ARCHIPELAGIC STATE OF TRADITIONAL-RIGHTS OF NEIGHBORING STATES IN NEWLY-DESIGNATED ARCHIPELAGIC WATERS, INCLUDING TRADITIONAL FISHING RIGHTS.

4. THE UNITED STATES STATED THAT A BALANCE MUST BE STRUCK BETWEEN RIGHTS AND DUTIES OF EACH GROUP, AND OUTLINED THE U.S. POSITION. THE SOVIET UNION THEN INTERVENED TO CHALLENGE THE PHILIPPINE POSITION, SUGGESTING CRITERIA SIMILAR TO THOSE OF THE UNITED STATES, AND TO RECOMMEND THE BAHAMA DRAFT AS A BASIS FOR NEGOTIATION; PAPUA-NEW GUINEA REP NOTED THAT THE CRITERIA SUGGESTED IN THE BAHAMA DRAFT WOULD SUIT ALL OR MOST OF THE REQUIREMENTS OF PAPUA-NEW GUINEA, AND FINALLY THE UNITED KINGDOM SUPPORTED THE SOVIET PROPOSAL THAT THE BAHAMAS DRAFT BE USED AS A BASIS FOR NEGOTIATION.

5. CHAIRMAN GALINDO POHL THANKED ALL DELEGATIONS FOR MAKING CONCISE STATEMENTS, STATING THAT THE BUREAU WAS NOW IN A MUCH BETTER POSITION TO DRAFT A NEGOTIATING TEXT. DALE

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PAGE 01

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TOR: 020304Z MAY 75

Geneva

Comm. I ✓
West Germany ✓
U.S. ✓
Group of 77 ✓
Group of 5 ✓

R 020013Z MAY 75

FM SECSTATE WASHDC

TO RUFHOL/AMEMBASSY BONN 2434

RUFHGV/USMISSION GENEVA 0182

BT

CONFIDENTIAL STATE 102552

E.O. 11652: GDS

TAGS: PLOS, GW

SUBJECT: LOS: FRG INQUIRIES ON DEEP SEABED NEGOTIATIONS

1. FRG EMBASSY MINISTER HANSEN AND COUNSELOR SCHMELING CALLED AT THEIR REQUEST ON UNDER SECRETARY MAW ON APRIL 30 TO INQUIRE ABOUT U.S. VIEWS ON DEEP SEABED NEGOTIATIONS AT LOS CONFERENCE IN GENEVA. HANSEN SAID THAT FRG DELEGATION AT GENEVA CONFERENCE HAD EXPRESSED CONCERN TO BONN ABOUT U.S. ATTITUDE ON DEEP SEABED REGIME AND SPECIFICALLY WHETHER U.S. NO LONGER SUPPORTS APPROACH CONTAINED IN U.S. PROPOSAL CONTAINED IN L.6 OF AUGUST 13, 1974. HANSEN SAID FRG DELEGATION REPORTS THAT GROUP OF 77 WAS NOT ACCEPTING "PINTO PAPER" AND LDCS HAVE REJECTED ANY FORM OF MIXED SYSTEM SO THAT EXPLOITATION, IN LDC VIEW, MUST BE CARRIED OUT ONLY ON BASIS OF SERVICE CONTRACTS. HANSEN SEEMED CONCERNED THAT U.S. MIGHT NOW BE WILLING TO AGREE TO SUCH A SYSTEM. HANSEN SAID THAT THERE WAS SERIOUS CONCERN OVER LACK OF COMMUNICATION AMONG GROUP OF 5.

2. UNDER SECRETARY MAW STATED THAT HE HAD MET WITH SMALL GROUP OF LDCS WHILE IN GENEVA AND HAD DISCUSSED PROBLEMS OF DEEP SEABED REGIME NEGOTIATIONS IN GENERAL, CONCEPTUAL TERMS AND THAT U.S. REPS HAVE SINCE HAD FURTHER DISCUSSIONS WITH MEMBERS OF GROUP OF 77 TO DISCUSS POSSIBLE SOLUTIONS. MAW STATED THAT HE HAD TOLD LDC REPS THAT WE SOUGHT FAIR AND REASONABLE CONDITIONS FOR EXPLOITATION OF DEEP SEABED AND THAT U.S. HAD MADE CLEAR THAT WE COULD NOT AGREE TO GIVING INTERNATIONAL AUTHORITY FULL, UNLIMITED POWERS IN AREA. MAW FURTHER STATED THAT HE WAS CERTAIN THAT U.S. DEL HAD CONSULTED WITH GROUP OF 5 ON THIS ISSUE RECENTLY.

3. COMMENTS: HANSEN SEEMED REASSURED THAT U.S. HAD NOT ABANDONED DEVELOPED COUNTRY POSITION ON DEEP SEABED.

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TO SECSTATE WASHDC PRIORITY 2530
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S E C R E T GENEVA 3097

EXDIS

FROM USDEL LOS

FOR INGERSOLL AND MAW FROM AMBASSADORS STEVENSON AND MOORE
EO 116521 XGDS-3

TAGS: PLOS

SUBJ: LOS: SPECIAL REPORT

SUMMARY: PRINCIPAL WORK OF CONFERENCE AND OBJECTIVES
FOR SESSION IS COMPLETION OF SINGLE UNIFIED NEGOTIATING
TEXTS OF TREATY ARTICLES IN THREE MAIN COMMITTEES.
END SUMMARY.

1. AS A RESULT OF PLENARY APPROVAL FRIDAY, APRIL 18
OF PRESIDENT'S PROPOSAL THAT COMMITTEE CHAIRMEN ON
OWN RESPONSIBILITY PREPARE SINGLE UNIFIED TEXTS OF
TREATY ARTICLES, CENTRAL THRUST OF NEGOTIATIONS AND
WORK IN COMMITTEES AND UNOFFICIAL GROUP IS ON SUPPLYING
TEXTS FOR INCLUSION IN CHAIRMAN'S TEXT.

2. COMMITTEE I. GROUP OF 77 IN INTENSIVE DISCUSSIONS
PAST WEEK ON BASIC CONDITION OF EXPLOITATION HAVE IN
PRINCIPLE REJECTED SOVIET AND US PROPOSALS FOR
RESERVED AND NON-RESERVED AREAS, IN WHICH SEABED
AUTHORITY'S RIGHTS AND DISCRETION DIFFER, IN FAVOR
OF SINGLE UNIFIED SYSTEM APPLICABLE THROUGHOUT SEABED
AREA. PRIVATE NEGOTIATIONS CONTINUE ON PROTECTION
FOR CONTRACTUAL JOINT VENTURES UNDER SUCH SYSTEM.
WORKING GROUP CHAIRMAN PINTO HAS PRODUCED DRAFT
SINGLE TEXT ON SEABED REGIME AND MACHINERY ON WHICH
DELEGATION DEVELOPING COMMENTS JOINTLY WITH USSR,
UK, FRANCE AND JAPAN FOR CONSULTATIONS WITH PINTO
AND GROUP OF 77 LEADERSHIP AS BASIS FOR REVISING
TEXT TO MAKE IT NEGOTIATING TEXT RATHER THAN GROUP
OF 77 DOCUMENT.

3. COMMITTEE II. EVENSON GROUP TEXT ON ECONOMIC
ZONE GENERAL PROVISIONS AND FISHERIES SENT BY EVENSEN
TO COMMITTEE CHAIRMEN AND HEADS OF ALL DELEGATIONS.
INDICATIONS ARE THAT CHAIRMAN WILL

Geneva

Committees I, II & III

Special Report

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TEXT WITH SOME COSMETIC CHANGES AND SUBSTANTIVE CHANGES IN SPECIAL PROVISIONS ON LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO ACCOMMODATE THESE STATES WHO DISSATISFIED WITH EVENSEN TEXT ON THESE POINTS.

SOME CRITICISM OF ~~UK-FILE~~ STRAITS PROPOSAL MADE BY ~~CANADA~~, ~~CHILE~~ AND ~~NORWAY~~ WITH RESPECT TO THE DEFINITION OF COVERED STRAITS. HOWEVER, CHAIRMAN EXPECTED TO USE PROPOSAL AS BASIS FOR UNIFIED TEXT.

PRIVATE DISCUSSIONS BY CHAIRMAN WITH PRINCIPAL ARCHIPELAGO STATES AND WITH US, USSR, UK AND JAPAN PRODUCED FULL EXCHANGE OF VIEWS WITH ALL MARITIME STATES AND BAHAMAS IN AGREEMENT WITH US POSITION BUT WITH NO CHANGE IN HARD LINE INDONESIAN AND PHILIPPINE VIEWS.

4. COMMITTEE III. CHAIRMAN YANKOV PREPARING SINGLE TEXTS ON MARINE POLLUTION AND MARINE SCIENTIFIC RESEARCH. GLIMPSES AT KEY PROVISIONS OF POLLUTION TEXT SUGGEST SUBSTANCE OF PROVISIONS ACCEPTABLE WITH RESPECT TO KEY VESSEL-SOURCE POLLUTION ISSUES. WE HAVE PASSED A CLOSELY HELD TEXT TO YANKOV ON SCIENTIFIC RESEARCH JOINTLY AGREED BY US AND SOVIETS IN PRIVATE CONSULTATIONS. WE ARE HOPEFUL CHAIRMAN WILL BE LARGELY GUIDED BY TEXT.
DALE

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RUEHOT/AMEMBASSY OTTAWA 2376
RUESNA/AMEMBASSY SANTIAGO 392

BT
UNCLAS GENEVA 3116
FROM US DEL LOS

EO 11652: NA

TAGS: PLOS

SUBJ: TEXT OF AIDE-MEMOIRE ON STRAITS

REF: GENEVA 2757 AND 2954

1. AIDE-MEMOIRE CIRCULATED TO ALL DELEGATES IN COMMITTEE II CONTAINING THE FOLLOWING TEXT CONCERNING INTERNATIONAL STRAITS, WITH REFERENCE TO THE UK-FIJI CONSENSUS TEXT REPORTED REFTELS. SEPTTEL CONTAINS OUR COMMENTS AND RECOMMENDATIONS.
2. BEGIN TEXT:

APRIL 30, 1975.

AIDE MEMOIRE

THE DELEGATIONS OF CANADA, CHILE AND NORWAY HAVE BECOME AWARE OF A SO-CALLED "CONSENSUS TEXT" OF A "PRIVATE GROUP" ON STRAITS. THE THREE DELEGATIONS WISH TO BRING TO THE IMMEDIATE ATTENTION OF THE CHAIRMAN OF COMMITTEE II THEIR COMMON VIEW REGARDING THE UNACCEPTABILITY OF THIS TEXT INsofar AS IT PURPORTS TO MODIFY THE CUSTOMARY DEFINITION OF INTERNATIONAL STRAITS AS WELL AS TO CREATE ENTIRELY NEW CATEGORIES OF SUCH STRAITS.

CANADA, CHILE AND NORWAY CONSIDER THAT THE DECISION OF THE INTERNATIONAL COURT OF JUSTICE IN THE CORFU CHANNEL CASE OF 1949, AS WELL AS THE REPORT OF THE INTERNATIONAL LAW COMMISSION OF 1956 AND THE 1958 CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE HAVE CLEARLY ESTABLISHED THE LEGAL AND GEOGRAPHICAL NATURE AND CHARACTERISTICS OF THOSE BODIES OF WATER THAT ARE TO BE TREATED AS INTERNATIONAL STRAITS. ARTICLE 16 (4) OF THE 1958 CONVENTION ON THE TERRITORIAL SEA

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STRAITS ARE ONLY THOSE THAT LIE WITHIN THE TERRITORIAL SEA OF ONE OR MORE STATES. THE "CONSENSUS" TEXT CLEARLY ENVISAGES THE CHARACTERIZATION OF STRETCHES OF INTERNAL WATERS AS INTERNATIONAL STRAITS UNDER THE PROPOSED DEFINITION. MOREOVER, IN SO DOING, IT REDEFINES STRAITS IN A MANNER WHICH COULD ONLY CREATE CONFUSION AND GIVE RISE TO OBJECTIONS ON THE PART OF MANY STATES. THIS COULD CONTRIBUTE TO CONFLICTS RATHER THAN TO THE RESOLUTION OF CONFLICTS.

THE PROPOSED NEW DEFINITION OF STRAITS WOULD MOREOVER NEGATE THE REGIME OF INTERNAL WATERS ALREADY ESTABLISHED BY 41 STATES ON THE BASIS OF THE STRAIGHT BASELINE SYSTEM ALONG THEIR COASTS ESPECIALLY WHERE THERE IS A FRINGE OF ISLANDS IN ACCORDANCE WITH THE DECISION OF THE INTERNATIONAL COURT OF JUSTICE IN THE ANGLO-NORWEGIAN CASE AND THE 1958 CONVENTION ON THE TERRITORIAL SEA.

WITHOUT DISCUSSING AT THIS POINT THE QUESTION OF THE PARTICULAR REGIME WHICH SHOULD APPLY IN STRAITS USED FOR INTERNATIONAL NAVIGATION, CANADA, CHILE AND NORWAY WISH TO UNDERLINE THE FACT THAT THERE IS PRACTICALLY UNIVERSAL AGREEMENT ON THE PROPOSITION THAT AN INTERNATIONAL STRAIT IS ONE THAT CONNECTS ONE PART OF THE HIGH SEAS WITH ANOTHER PART OF THE HIGH SEAS AND THAT THERE ARE MANY STATES THAT ARE PREPARED TO ACCEPT THAT AN INTERNATIONAL STRAIT CAN ALSO BE ONE THAT CONNECTS ONE PART OF THE HIGH SEAS WITH THE TERRITORIAL SEA OF A FOREIGN STATE, WHATEVER THE RESOLUTION OF THIS PROBLEM MAY BE IN THE NEW CONVENTION ON THE LAW OF THE SEA AS OPPOSED TO THAT WHICH WAS RETAINED IN ARTICLE 16 (4) OF THE TERRITORIAL SEA CONVENTION, IT WOULD BE LEGALLY AND POLITICALLY ERRONEOUS TO ENVISAGE NEW CATEGORIES OF STRAITS. THEREFORE, THE LAST PHRASE OF ARTICLE I, PARAGRAPH 3 OF THE ANONYMOUS PAPER ("BETWEEN THE HIGH SEAS AND A STATE BORDERING THE STRAIT") AS WELL AS THE LANGUAGE OF ARTICLE 7 WHICH REFERS TO STRAITS "OTHER" THAN THOSE DEFINED IN ARTICLE 1, HAVE NO PLACE IN THIS CHAPTER.

THE THREE DELEGATIONS SUBMIT THAT A PROPER
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DEFINITION OF AN INTERNATIONAL STRAIT COULD READ
AS FOLLOWS:

"AN INTERNATIONAL STRAIT IS A NATURALLY FORMED
STRETCH OF WATER BETWEEN LAND FORMATIONS WHICH:

- A) I) LIES WITHIN THE TERRITORIAL SEA OF ONE
MORE STATES AT ANY POINT IN ITS LENGTH AND
II) CONNECTS....

B) HAS BEEN TRADITIONALLY USED FOR INTERNATIONAL
NAVIGATION."
END TEXT,DALE